APHA — CDC

RECOMMENDED MINIMUM

HOUSING STANDARDS

1986

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FOREWORD

The Centers for Disease Control of the United States Public Health Service is pleased to have had the opportunity to work cooperatively with the American Public Health Association again in the preparation of *Housing and Health: APHA-CDC Recommended Minimum Housing Standards.*

Since 1952, when the initial recommended housing code entitled *A Proposed Housing Ordinance* was introduced, these recommendations and the subsequent revisions have been used as a foundation for housing ordinance development in many communities. We hope that the 1986 revision will provide an additional tool which public health and other officials responsible for community housing programs can use to improve and maintain the quality of housing, as well as the overall health within their communities.

James O. Mason

James O. Mason, M.D., Dr.P.H.
Assistant Surgeon General

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The Committee on Housing and Health is indebted to many who contributed their time, knowledge, and expertise in the development of these Recommended Minimum Housing Standards. No attempt will be made to identify each by name, lest through oversight, someone's name be omitted. Nevertheless, their contributions are acknowledged with gratitude. They made the Committee's task easier.

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INTRODUCTION

In 1977, the World Health Assembly announced that the main social goal of governments and of the World Health Organization should be that by the year 2000 all people of the world attain a level of health which would permit them to lead socially and economically productive lives.

In 1978, the International Conference on Primary Health Care, convened in Alma Atta, USSR, by the World Health Organization and the United Nations Children's Fund, declared that safe, sanitary, and decent housing was a necessary element in the provision of primary health care.

Both goals are consistent with the current national policy of the United States on housing, policy that was begun when the U.S. Congress enacted the Housing Act of 1949. That piece of legislation defined a new national objective for the United States, stating that "the general welfare and the security of the Nation and the health and living standards of its people—require a decent home and a suitable living environment for every American family." Forming the basis for this policy is the general agreement among public health officials that the quality of housing and the residential environment have great influence upon the physical and mental health and the social well-being of each individual and, in turn, upon the economic, political, and social conditions of every community.

The *APHA-CDC Recommended Minimum Housing Standards* defines the public health requirements of "decent housing". The primary objective of these standards is to protect and promote the health and well-being of occupants of residential structures and of those who may reside in the immediate vicinity of such structures.

Housing codes are distinct and separate from building, rehabilitation, and other construction codes. However, these differences are often not understood and many people may use "housing" and "building" synonymously. They generally fail to recognize that the principal purpose of a *building code* is to regulate the construction of building in such a way as to sustain safely the loads expected from the type of occupancy and to be reasonably safe for such occupancy against fire and similar hazards; whereas the primary intent of a *housing code* is to establish minimum conditions which are essential to good health and which make dwellings safe, sanitary, and fit for human habitation. A housing code, therefore, governs the condition and maintenance, the supplied utilities and facilities, and the use and occupancy of housing.

Housing codes are also different from building and other construction codes in that the latter are enforced primarily through a system of permits which are granted after plans and specifications have been submitted and evaluated and which are subject to inspection. The appropriate government agency has full control of the situation through its power to issue and withhold the required permits. Housing codes, however, are usually enforced by inspections of the residential units on a systematic or complaint basis.

This difference between a housing code and a building code may be summed up as follows: "Building and construction codes regulate primarily how you shall build; housing codes regulate how you shall live." Because housing codes regulate how people may live, there are important social, economic, cultural, and psychological aspects which pertain not only to basic standards, but also to the administration and application of the provisions of the code.

An objective of minimum housing standards is to prevent deterioration of housing quality. Systematic inspection of dwellings for compliance with minimum housing standards and equitable enforcement of these standards should do much to prevent sub-standard housing from developing and becoming a blight on a neighborhood and ultimately on a municipality.

It is appropriate to paraphrase a statement made by Professor C.-E.A. Winslow, the initial chairman of the American Public Health Association's Committee on Housing and Health, in 1952, in the Foreword to the initial recommended housing code entitled *A Proposed Housing Ordinance*. Professor Winslow states that it is important to note that there are two things the recommended housing standard does not intend to do. As with that original document, and subsequent versions, including this one, there is first of all no suggestion that rigid uniformity to be imposed by communities contemplating adoption of housing quality controls. The requirements presented in these recommended standards represent the best thinking of health and housing experts as to what constitutes reasonable minimum public health standards that are attainable, enforceable, and practicable. Some communities, because of prevailing conditions, may wish to omit, modify, or add sections. Municipalities desiring housing of better quality than that provided by the suggested minimum requirements are encouraged to enact more stringent standards. In other words, these recommended housing standards can, and should, be modified to suit local conditions as needed to meet local program objectives.

The second point concerns the agency and the official who is empowered to enforce these legal requirements. The American Public Health Association and the Centers for Disease Control have advocated the desig-

nation of the public health agency and the director of health as the agency and the official who should be given the legal authority and responsibility for enforcement. If, however, there are cogent reasons to vest the authority and responsibility in another agency and another official, such action is encouraged, provided the agency and the official have the ability and interest to accept and fulfill the responsibility, to equitably enforce judiciously and vigorously, all provisions of the legislation and to do so better, more efficiently, and more effectively than the public health agency and the director of health.

March 7, 1986

Eric W. Mood, MPH, LLD
Chairman
Committee on Housing and Health
Section on Environment
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SECTION I

GENERAL PROVISIONS

The following general provisions shall apply in the interpretation and enforcement of this ordinance:

1.01 Legislative Finding. It is hereby found that there exist and may in the future exist within the (Name of Corporate Unit) premises, dwellings, dwelling units, rooming units, or parts thereof, that by reason of their structure, equipment, sanitation, maintenance, use, or occupancy affect or are likely to affect adversely the public health (including the physical, mental, and social well-being of persons and families), safety, and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety, and general welfare, it is further found that the establishment and enforcement of minimum housing standards are required.

1.02 Purposes. The purpose of this ordinance is to protect, preserve, and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable and noncommunicable diseases, to reduce environmental hazards to health, to regulate privately and publicly owned dwellings, to maintain adequate sanitation and public health, to protect the safety of the people, and to promote the general welfare by legislation that shall be applicable to all dwellings now in existence or hereafter constructed. Further, the purpose of this ordinance is to ensure that the quality of housing is adequate for protection of the public health, safety, and general welfare, including: (1) establishment of minimum standards for structural safety and integrity, for basic equipment and facilities for light, ventilation, and thermal conditions, for safety from fire, accidents, and toxic substances, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; (2) determination of the responsibilities of owners, operators, and occupants of dwellings; and (3) provision for the administration and enforcement thereof.

1.03 Scope. The provisions of this ordinance shall apply uniformly to the construction, maintenance, use, and continued occupancy of all residential buildings and structures, where applicable. They shall apply uniformly to the alteration, repair, equipment, use, occupancy, and maintenance of all existing residential buildings and structures, within the jurisdiction of

(Name of Corporate Unit) irrespective of when or under what code or codes such buildings or structures were originally constructed or rehabilitated. Further, all alterations and/or repairs shall be performed in accordance with the applicable sections of the Building Code and the Zoning Code ordained or adopted by the (Name of Corporate Unit).

1.03.01 Pre-existing Dwellings. The provisions of this ordinance do not replace or modify standards elsewhere established that provide a greater degree of health, safety, and well-being to the occupants or to persons residing in the vicinity, nor do they replace or modify higher standards otherwise established for the construction, repair, alteration, or use of dwellings, dwelling units, rooming houses, or rooming units, and the installed facilities and equipment therein.

1.04 Title. This ordinance shall be known and may be cited as the Housing Code of the (Name of Corporate Unit), hereinafter referred to as "this ordinance".

SECTION II

DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:

2.01 Abandoned Vehicle shall mean any unregistered motor vehicle or substantial elements which is an actual or potential safety hazard or which may be an actual or potential rodent harborage.

2.02 Acceptable Indoor Air Quality shall mean indoor air in which there are no known contaminants which are in concentrations in excess of those which have been established by the Director of Health.

2.03 Accessory Building or Structure shall mean a detached building or structure in a secondary capacity or subordinate to the main or principal building or structure on the same premises.

2.04 Appropriate Authority shall mean that person who is charged with the administration of the appropriate code within the governmental structure of the corporate unit.

2.05 Approved shall mean approved by the local or state authority having such administrative authority.

2.06 Asbestos shall mean any one of the following natural mineral fibers: chrysotile which is commonly called "white asbestos", actinolite, amosite, which is commonly called "brown asbestos", anthophyillite, crocidolite, which is commonly called "blue asbestos", and tremolite.

2.07 Ashes shall mean the solid residue from the burning of combustible materials.

2.08 Attic shall mean any story situated wholly or partly within the roof and designed, arranged, or built to be used for business, storage, or habitation.

2.09 Basement shall mean a portion of a building located partly below grade, but having less than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

2.10 Building shall mean any structure that is affixed to the land and used for the support, shelter, or enclosure of persons, animals, or movable property including residential, mercantile, industrial, and other uses.

2.11 Bulk Container shall mean any metal garbage, rubbish, and/or refuse container that is more than forty (40) inches in height, has a capacity of more than two (2) cubic yards, and is equipped with fittings for hydraulic and/or mechanical emptying, unloading, and/or removal.

2.12 Cellar shall mean a portion of a building located partly below grade, but having one-half or more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground or totally below grades.

2.13 Central Heating system shall mean a single system supplying heat to one (1) or more dwelling unit(s) or more than one (1) rooming unit using pipes, ducts, etc.

2.14 Chemical Hazard shall mean any chemical compound, or other substance used in the construction, repair, maintenance, or occupancy of any dwelling, dwelling unit, rooming house, rooming unit, or the premises thereof as determined by the Director of Health to be toxic or injurious to humans.

2.15 Chimney shall mean a vertical masonry shaft of reinforced concrete, or other approved noncombustible, heat-resisting material enclosing one (1) or more flues, to remove products of combustion from solid, liquid, or gaseous fuel.

2.16 Dilapidated shall mean no longer adequate for the purpose or use for which it was originally intended.

2.17 Director of Health shall mean the official designated by the (Appropriate Authority) to administer the programs for the promotion of health and the prevention of disease, disability, and injury and to enforce the provisions of the public health code and/or similar regulations and legislation, or his duly authorized representative.

2.18 Downspout shall mean a conduit used to carry water from the gutter.

2.19 Dwelling shall mean any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking, and eating; provided that temporary housing as hereinafter defined shall not be classified as a dwelling. Industrialized housing and modular construction that conform to nationally accepted industry standards and used or intended for use for living, sleeping, cooking, and eating shall be classified as dwellings.

2.20 Dwelling Unit shall mean a room or group of rooms arranged for use of one or more individuals living together as a single household which share living, sleeping, cooking, and eating facilities.

2.21 Egress shall mean an arrangement of exit facilities to ensure a safe means of exit from buildings.

2.22 Extermination shall mean the control or elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or any other recognized and legal pest elimination methods approved by the appropriate state and/or local agency having such administrative authority.

2.23 Fence shall mean an independent object that forms a barrier at grade.

2.24 Flue shall mean a conduit made of masonry materials or other approved non-combustible heat-resisting material and that is used to remove the products of combustion from solid, liquid, or gaseous fuel.

2.25 Flush Water Closet shall mean a toilet bowl that is flushed with water supplied under pressure, and equipped with a water sealed trap above the floor level.

2.26 Garbage shall mean the animal and vegetable waste resulting from handling, preparing, cooking, serving, or consuming of food.

2.27 Grade shall mean the average finished ground level adjoining a building at all exterior walls.

2.28 Guest shall mean an individual who shares a dwelling unit in a non-permanent status for not more than thirty (30) consecutive days.

2.29 Gutter shall mean a trough under an eave to carry off rainwater from the roof.

2.30 Habitable Room shall mean an enclosed floor space used or intended to be used for living, sleeping, cooking, or eating, and excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes, and utility rooms with less than fifty (50) square feet of floor space, foyers or communicating corridors, stairways, closets, storage spaces, workshops, and hobby and recreation areas.

2.31 Hazardous Waste shall mean any substance for which the owner/generator has no further use, which by its nature and/or quantity may be

potentially detrimental to human health and/or the environment and that requires special disposal.

2.32 Heated Water shall mean water heated to a temperature of not less than 110°F at the outlet, and no more than 120°F at the outlet.

2.33 Heating Device shall mean a furnace, unit heater, domestic incinerator, cooking and/or heating stove and range, kerosene heater, gas heater, fireplace, and other similar device.

2.34 Hotel shall mean a building or a part thereof designed or used primarily for lodging by guests and that provides maid services, linen service, desk service, and other similar services.

2.35 Household shall mean one or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking, and eating facilities.

2.36 Infestation shall mean the presence within or around a dwelling of any insects, rodents, or other vermin.

2.37 Insects shall mean all species of classes of Arachnida and Insecta (Hexapoda) of the phylum Arthropoda and includes all flies, mosquitoes, bed bugs, crickets, cockroaches, moths, bees, wasps, hornets, yellowjackets, fleas, lice, beetles, weevils, gnats, ants, termites, mites, ticks, spiders, scorpions, and other similar species.

2.38 Kitchen shall mean any room used for the storage of foods, which do not require refrigeration, and of equipment, preparation of foods and containing the following equipment: sink and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cold storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

2.39 Kitchenette shall mean a small kitchen or an alcove containing cooking facilities.

2.40 Lead-based Paint shall mean (a) any paint to be applied in which the lead content exceeds 0.06 percent by weight of the total non-volatile content of the paint or the weight of the dried paint film or (b) any applied paint film that contains 0.7 mg/cm^2 or more of lead as measured by *in situ* analyzer device or (c) that contains more lead, as determined by chemical analysis, than the (Appropriate Authority) considers to be safe.

2.41 Leader shall mean a conduit used to carry rainwater.

2.42 Let shall mean to lease or grant the use and possession of real property whether or not for compensation.

2.43 Meaning of Certain Words wherever the words "dwelling", "dwelling unit", "rooming units", "premises", and "structure", are used in this Ordinance, they shall be construed as if they were followed by the words "or any part thereof". Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

2.44 Mobile Home shall mean a factory-assembled structure equipped with the necessary service connections that is readily movable as a unit and designed to be used as a dwelling without a permanent foundation.

2.45 Multiple Dwelling shall mean any dwelling containing more than two (2) dwelling units.

2.46 Occupant shall mean any individual, over one (1) year of age, living, sleeping, cooking, or eating in or having possession of a dwelling, a dwelling unit, or a rooming unit.

2.47 Operator shall mean any person who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

2.48 Ordinary Summer Conditions shall mean a temperature 10°F below the highest recorded temperature in the locality during the most recent ten (10) year period.

2.49 Ordinary Winter Conditions shall mean a temperature 15°F above the lowest recorded temperature in the locality during the most recent ten (10) year period.

2.50 Owner shall mean any person who alone, jointly, or severally with others:

(a) has legal title to any premise, dwelling, dwelling unit, rooming house, or rooming unit, with or without accompanying actual possession thereof; or

(b) has charge, care, or control of any premises, dwelling, dwelling unit, rooming house, or rooming unit, as owner, agent of the owner, or other person; or

(c) is executor, administrator, trustee, or guardian of the estate of the owner; or

(d) is a mortgagee in possession; or

(e) is the senior officer or trustee of the association of unit owners of a condominium.

2.51 Permissible Occupancy shall mean the maximum number of individuals permitted to reside in a dwelling unit, or rooming unit.

2.52 Person shall mean any individual, firm, corporation and its officers, association, partnership, cooperative, trustee, executor of an estate, governmental agency, or any other legal entity recognized by law.

2.53 Plumbing shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures and the installation thereof, together with all connections to water, sewer, or gas lines.

2.54 Potable Water shall mean water that complies with all applicable requirements of the United States Environmental Protection Agency.

2.55 Premises shall mean a lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure, and includes any such building, accessory structure, or other structure thereon.

2.56 Privacy shall mean the existence of conditions that permit an individual or individuals to be without interruption or interference, either by sight or sound, by unwanted individuals.

2.57 Properly Connected shall mean connected and/or installed in accordance with all applicable codes and ordinances of this (Name of Corporate Unit) as from time to time enacted; provided, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.

2.58 Refuse shall mean all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes, and dead animals.

2.59 Refuse Container shall mean a watertight container that is constructed of metal or other durable material impervious to rodents and is capable of being serviced without creating insanitary conditions, or other containers that have been approved by the (Appropriate Authority). All openings into the container, including covers and doors, shall be tight fitting.

2.60 Riser shall mean the vertical surface that connects one tread of a step or stair to the next.

2.61 Rodent shall mean any species of the order Rodentia including field and wood mice, wood rats, squirrels, woodchucks, gophers, Norway rats (*Rattus norvegicus*), roof rats (*Rattus rattus*), and house mice (*Mus musculus*).

2.62 Rodent Harborage shall mean any conditions or place where rodents can live, nest, or seek shelter.

2.63 Rodentproofing shall mean a form of construction that will prevent the ingress or egress of rodents to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing, or other methods, by use of materials impervious to rat gnawing and other methods approved by the (Appropriate Authority).

2.64 Rooming House shall mean any dwelling or part thereof in which a specified portion may be let separately as a single habitable rooming unit.

2.65 Rooming Unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for dining and/or cooking. Specifically excluded from this definition is any room or group of rooms that is used for custodial care of persons and hotel and motel rooms.

2.66 Rubbish shall mean nonputrescible solid wastes (excluding ashes) consisting of either:

(a) combustible wastes including paper, cardboard, plastic containers, vehicle tires, yard clippings, wood, and similar materials; or

(b) noncombustible wastes including tin cans, glass crockery, and similar materials.

2.67 Safety shall mean the condition of being reasonably free from danger and hazards that may cause unintentional injury or disease.

2.68 Smoke Detector shall mean a device that can detect the presence of products of combustion in air when present in minute concentrations in the air.

2.69 Space Heater shall mean a self-contained, heating device of either the convection type or the radiant type and intended primarily to heat only one room, two adjoining rooms, or some other limited space or area.

2.70 Supplied shall mean paid for, furnished by, provided by, or under the control of the owner, operator, or agent.

2.71 Temporary Housing shall mean any tent, trailer, mobile home, or any other structure used for human shelter that is designed to be transportable and is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

2.72 Toxic Substance shall mean any chemical product capable of acting as a local or systemic irritant, poison, mutagen, carcinogen, and/or teratogen that constitutes a potential hazard to human health at acute or chronic exposure levels.

2.73 Tread shall mean the horizontal surface of a step or stair.

2.74 Variance shall mean a difference between that which is required or specified and that which is permitted.

2.75 Undefined Words. Words not specifically defined in this ordinance shall have the common definition set forth in a standard dictionary.

2.76 Vermin shall mean a rat, mouse, cockroach, bedbug, or any other biological entity that is determined by the Director of Health to be harmful to life, limb, property, health, safety, or welfare of the public.

2.77 Weeds shall mean vegetation which has attained a height of twelve inches or more, and which constitutes a potential rodent harborage or any other health or safety hazard.

SECTION III

RESPONSIBILITIES OF OWNERS AND OCCUPANTS OF DWELLINGS AND DWELLING UNITS OR OF PREMISES

3.01 No owner or other responsible person shall occupy or allow occupancy by any other person, any dwelling or dwelling unit unless it and the premises are clean, sanitary, and fit for human occupancy, and comply with all applicable legal requirements of the State of (Name of State) and the (Name of Corporate Unit).

3.02 Every owner of a dwelling containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.

3.03 Every occupant of a dwelling or dwelling unit shall maintain clean and sanitary that part or those parts of the dwelling, dwelling unit, and premises thereof that he occupies and controls.

3.04 Every occupant of a dwelling or dwelling unit shall store and dispose of all his rubbish in a clean, sanitary, and safe manner.

3.05 Every occupant of a dwelling or dwelling unit shall store and dispose of all garbage and other organic waste that might provide food or harborage for insects and/or rodents in a clean, sanitary, and safe manner.

> **3.05.01** All garbage cans and rubbish containers shall have a liquid capacity not greater than 32 gallons, be rodent-proof, insect-proof, water-tight, structurally sound to withstand handling stress, easily filled, emptied, and cleaned; shall be provided with tight-fitting covers or similar closures; and shall be maintained at all times in a clean and sanitary condition. Plastic bags may be used as garbage and rubbish container liners, but shall not be used without the container for on-site storage of garbage and rubbish.
>
> **3.05.02** The occupant shall be responsible for the cleanliness of garbage cans and rubbish containers.
>
> **3.05.03** Bulk storage containers which are used for the storage of garbage, organic wastes, and/or rubbish shall be placed on a cleanable surface that is constructed to minimize spillage onto the adjacent area. All bulk storage containers shall be equipped with water-tight

and insect-proof covers and shall be kept closed except when filling or emptying. Bulk storage containers with a volume of one cubic yard or more shall be designed and positioned so as to prevent tipping when a vertical force of 200 pounds is applied to any part of the lip of the container or when a horizontal force of 70 pounds is applied to any part of the container. The owner(s) of dwelling units shall be responsible for the regular and thorough cleaning of all bulk storage containers and adjacent areas.

3.06 The total capacity of all provided garbage cans, rubbish cans, and/or bulk storage containers shall be sufficient to meet the needs of all of the occupants of the dwelling or dwelling units and from one scheduled collection time until the next scheduled collection time.

3.07 Every owner of a dwelling containing two (2) or more dwelling units shall supply facilities for the sanitary and safe storage of all garbage and rubbish and shall be responsible for the ultimate sanitary and safe disposal thereof. Every occupant of a dwelling containing one or two dwelling units shall supply facilities for the safe and sanitary storage of all garbage and rubbish and shall be responsible for the ultimate sanitary and safe disposal thereof.

3.08 The owner of a dwelling or dwelling unit shall be responsible for providing and hanging all screens and double or storm doors and windows if the same are required under the provisions of this ordinance or any rule or regulation adopted pursuant thereto, unless there is a written agreement between the owner and occupant giving the responsibility to the occupant. In the absence of such an agreement, maintenance or replacement of screens, storm doors, and windows, once installed in any one (1) season is the responsibility of the occupant. The occupant's responsibility shall be exclusive to his or her dwelling unit.

3.09 Every occupant of a dwelling containing a single dwelling unit shall be responsible for the control of vermin, insects, and/or rodents on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such control if his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, if infestation is caused by failure of the owner to maintain a dwelling rodent-proof or reasonably insect-proof, pest control shall be the responsibility of the owner. If infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, pest control thereof shall be the responsibility of the owner.

3.10 No owner or occupant of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal, or any other materials so that rodent harborage exists in or about any dwelling or dwelling unit. Stored materials

shall be stacked neatly in piles elevated at least eighteen (18) inches above the ground or floor. No stacking or piling of materials shall take place against or within twelve (12) inches of the exterior walls of any structure.

3.11 No owner of a dwelling containing two (2) or more dwelling units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal, or any other materials so that a rodent harborage exists in or about the shared or public areas of a dwelling or its premises. Materials stored by the owner or permitted to be stored by the owners shall be stacked neatly in piles elevated at least eighteen (18) inches above the ground floor.

3.12 No owner or occupant of a dwelling or dwelling unit shall store, place, or allow to accumulate any materials that may serve as food for vermin, insects, and/or rodents in a site accessible to them.

3.13 Every occupant of a dwelling or a dwelling unit shall keep all supplied fixtures and facilities therein clean and sanitary, and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

3.14 In every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 68°F. shall be maintained in all habitable rooms, bathrooms, and water closet compartments, *except,* when such dwelling unit or rooming unit is occupied by a person who because of age or physical condition requires a higher temperature. The Director of Health may require that the temperature in said dwelling unit or rooming unit be maintained at least 70°F.; said temperature shall be measured at a distance of thirty-six (36) inches above the floor level and twenty-four (24) inches from an outside wall. The above provision shall apply from (date) of each to (date) of the succeeding year.

3.15 Every owner of a dwelling or dwelling unit shall ensure that such dwelling or dwelling units are free from chemical hazards as shall be identified and published by the Director of Health. Such identification shall include maximum allowable concentrations which are deemed to be non-hazardous to health. Chemical hazards shall include but not be limited to lead-based paint on surfaces accessible to children, friable asbestos, hazardous wood preserving compounds, formaldehyde, etc.

> **3.15.01** Every owner of a dwelling or dwelling unit in which an identified chemical hazard exists shall be responsible for the prompt safe removal and proper disposal of said chemical or shall take other remedial measures as may be recommended by the Director of Health.

3.15.02 Every occupant of a dwelling or dwelling unit shall ensure that any chemical substance introduced by them into, or used by them within a dwelling, dwelling unit, or on the premises of dwelling shall be applied, maintained, and/or used so as not to create a health hazard to the other occupants and/or their guests.

3.16 No occupant shall vacate any dwelling or dwelling unit without causing to be removed therefrom and properly disposing of all garbage, rubbish, and other waste material whether solid or liquid.

3.17 Every owner of a premises which does or does not include a building there shall maintain the premises in a safe and sanitary condition and shall remove regularly therefrom and properly dispose of all garbage, rubbish, and weeds.

3.18 No person shall deposit or place any garbage, rubbish, or hazardous waste on any premises unless it is in containers approved for temporary holding of such material pending collection and appropriate disposal of same.

3.19 No person shall deposit or place any garbage, rubbish, abandoned vehicle, or other similar material upon the property owned by another without the specific approval of the owner of the other property.

3.20 No owner or occupant shall apply a lead-based paint to any surface that is accessible to children in any dwelling, dwelling unit, rooming house, and/or rooming unit, or on any exterior surface accessible to children.

3.21 Every owner of a dwelling unit and/or rooming unit shall supply the electricity and gas used in each dwelling unit or rooming unit unless such electricity or gas is metered through a meter that serves only a single dwelling unit or rooming unit and provided that the rental agreement stipulates in writing that the payment for such electricity and/or gas is the responsibility of the occupant. The owner shall install and maintain all piping and wiring so that such gas and electricity may be used safely by the occupant.

3.22 Every owner of a dwelling, dwelling unit, rooming house, or rooming unit shall maintain in good repair all asbestos material on the premises. All asbestos containing material shall be maintained free from any defects such as holes, cracks, tears, and/or looseness that may allow the release of asbestos fibers into the environment.

3.23 Every owner of a dwelling, dwelling unit, rooming house, or rooming unit shall correct any non-compliance with Subsection 3.22 by one of the following methods:

3.23.01 Application of paint, patching compound, or any other product intended by the manufacturer for the repair or containment of asbestos material; provided the material shall be mixed and/or applied according to the manufacturer's instructions and specifications.

3.23.02 Enclosing the asbestos material to prevent the release of any powdered, crumbled, or pulverized asbestos material into the environment. Any panel, board, door, or plate that may be opened easily or removed without the use of tools, including a drop ceiling with removable panels or that may be opened or removed in the course of routine maintenance of the dwelling, dwelling unit, rooming house, or rooming unit, or of any fixture or equipment therein, shall not be considered an acceptable enclosure.

3.23.03 Removing and disposing of all asbestos material by means which shall have the prior written approval of the Director of Health and shall comply with all appropriate state and federal requirements.

SECTION IV

BASIC EQUIPMENT AND FACILITIES

4.01 Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked and shall be equipped with the following:

4.01.01 A **kitchen sink** in good working condition, easily cleanable, and properly connected to a potable water supply system which is approved by the (Appropriate Authority) and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is properly connected to a sewer system approved by the (Appropriate Authority).

4.01.02 Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that, under ordinary summer conditions, does not require refrigeration for safe keeping; and a counter or table for food preparation. All cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect to food.

4.01.03 A **stove,** for cooking food, and a **refrigerator or refrigerator-freezer.** Said refrigerator shall be capable of maintaining the safe storage of food at temperatures less than 45°F but more than 32°F under ordinary summer conditions. Said stove, refrigerator, and/or refrigerator-freezer shall be properly installed with all necessary connections for safe, sanitary, and efficient operation and shall be maintained in good working condition. Said stove, refrigerator, and/or refrigerator-freezer need not be installed while a dwelling unit is not occupied and when the occupant is expected to provide same upon occupancy, and adequate connections for the safe and efficient installation and operation of said stove, refrigerator, and/or refrigerator-freezer are provided.

4.02 Within every dwelling unit there shall be a non-habitable room that affords privacy to a person within said room and is equipped with a **flush water closet** in good working condition. Said flush water closet shall be equipped with easily cleanable surfaces; shall be properly connected to a water system that at all times provides an adequate amount of running water under pressure and is protected against backflow; shall be main-

tained in good repair; and shall be properly connected to a sewer system which is approved by the (Appropriate Authority).

4.03 Within every dwelling unit there shall be a **lavatory sink.** Said lavatory sink may be in the same room as the flush water closet, or, if located in another room, shall be located in close proximity to the door leading directly into the room containing the water closet. The lavatory sink shall be in good working condition, easily cleanable, and free of hazards. It shall be properly connected to a potable water supply system which is approved by the (Appropriate Authority) and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is properly connected to a sewer system approved by the (Appropriate Authority). Water inlets for lavatory sinks shall be located above the overflow rim of these fixtures.

4.04 Within every dwelling unit there shall be a room which is easily cleanable and which affords privacy to a person within said room and which is equipped with a **bathtub** or **shower** in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected to a potable water closet or in another room and shall be properly connected to a potable water supply system which is approved by the (Appropriate Authority) and which provides at all times an adequate amount of heated and unheated water under pressure. Also, it shall be connected to a sewer system approved by the (Appropriate Authority). Water inlets for bathtubs shall be located above the overflow rim of these facilities. The bottoms or floors of all bathtubs and showers shall have non-slip surfaces.

4.05 Every room containing a flush water closet, a bathtub, and/or a shower shall have walls covered by a smooth, easily cleanable, non-toxic, non-corrosive, non-absorbent and waterproof material up to a height of at least 48 inches except the walls of a built-in shower or shower-stall shall have such walls to a height of at least 72 inches. Such walls shall form a watertight joint with each other and with the bathtub, shower, or the floor.

4.06 Every flight of stairs with more than two (2) risers (more than sixteen (16) inches high) shall have at least one structurally sound hand or guard rails installed not less than two and one-half feet (2½ ft.) measured vertically from the nose of the tread to the top of the hand and guard rail.

4.07 Every porch, patio, and/or balcony located more than three (3) feet above the adjacent area shall have a structurally sound guard or handrail at least thirty-six (36) inches high.

4.08 All protective railings shall have balusters placed at intervals of not more than three and one-half (3½) inches apart or shall have other suffi-

cient protective material between the railing and the flooring or tread so that a sphere three and one-half (3½) inches in diameter cannot pass through.

4.09 Each dwelling unit shall have facilities for the storage of drugs and toxic household chemicals that is not readily accessible to children under the age of twelve (12) years.

SECTION V

FIRE SAFETY AND PERSONAL SECURITY

No owner or other responsible person shall occupy or allow occupancy by any other person, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

5.01 Every dwelling unit shall have at least two (2) means of egress leading to safe and open space at ground level. Every dwelling unit in a multiple dwelling shall have immediate access to two (2) or more approved means of egress leading to safe and open space at ground level, or as required by the laws of this State and this (Name of Corporate Unit). Bedrooms located below the fourth (4th) floor shall be provided with an exterior window of sufficient dimensions that it can be used as a means of emergency egress.

5.02 Normal access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

5.03 All entrance doors into a dwelling or dwelling unit shall be equipped with a dead bolt locking device. Slide bolt and double key locks shall not be installed in common area doors in multiple dwelling units.

5.04 All entrance doors in a multiple dwelling shall be equipped with a device that will permit the occupants of the dwelling unit to see a person at the door without fully opening the door.

5.05 All exterior windows that are capable of being opened and all other potential means of egress shall be equipped with hardware for locking.

5.06 Every dwelling unit shall have at least one functioning smoke detector located on or near the ceiling in or immediately adjacent to sleeping spaces. In multiple dwellings a smoke detection system shall be installed in hallways on each floor, in furnace and storage rooms, in garages, and in other locations designated by the (Appropriate Authority).

> **5.06.01** In multiple dwellings, smoke detection devices which are installed in the common areas of the building shall be tamper-proof.
>
> **5.06.02** In multiple dwellings, the owner shall be responsible for maintaining all required smoke detectors in proper operating condition.

5.07 If a dwelling is equipped with battery operated smoke detection devices, the owner shall be responsible for providing batteries to the smoke detectors which are inside a dwelling unit at the beginning of tenancy. Thereafter, the occupant shall be responsible for insuring that the batteries are energized during the term of occupancy.

SECTION VI

LIGHTING AND VENTILATION

No owner or other responsible person shall occupy or allow occupancy by any other person any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

6.01 Every habitable room shall have at least one (1) window or one (1) skylight facing outdoors provided that if connected to a room or area used seasonally, such as a porch, then adequate daylight must be possible through this interconnection. The minimum total window or skylight area, measured between stops, for every habitable room shall be at least eight (8) percent of the floor area of such room, except if light-obstruction structures are located less than three (3) feet from the window; said window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.

6.02 All doors, windows and skylights shall be reasonably weather-tight. As an energy conservation measure the (Appropriate Authority) may require that selective classes of dwellings and/or dwelling units be equipped with weatherstripping, and/or storm doors and/or windows.

6.03 Every habitable room shall have at least one (1) window or skylight facing directly outdoors that can be opened easily; or be connected to a room or area used seasonally that provides adequate ventilation or some other device that can ventilate the room adequately. The total openable window or skylight area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window or skylight area size as required in Subsection 6.01 of this ordinance; except where there is adequate ventilation supplied by some other device that is approved by the (Appropriate Authority).

> **6.03.01** If facilities for interior climate control of heating, cooling, and/or humidity are integral functions of structures containing dwelling units or rooming units, such facilities shall be maintained and operated continuously when necessary for the health and comfort of the occupants and in accordance with the designed capacity of the installed equipment. During instances when the integral equipment is temporarily inoperative because of power or mechanical failure, alternative provisions for ventilation of each dwelling shall be provided.

6.04 Every bathroom, water closet compartment, and non-habitable room used for food preparation shall comply with the light and ventilation requirement for habitable room contained in Subsection 6.01 and 6.03, except that no window or skylight shall be required if the rooms are equipped with a mechanical or other ventilation system in working condition that is approved by the (Appropriate Authority).

6.05 Ventilation, either natural or mechanical, shall be adequate to provide acceptable indoor air quality in every habitable room at all times when occupied. No air exhausted from a bathroom or kitchen shall be recirculated.

6.06 If there is usable electric service readily available from power lines which are not more than three hundred (300) feet away from a dwelling, every dwelling unit and all public and common areas shall be supplied with electric service, outlets, and fixtures that are installed properly, maintained in good and safe working condition, and connected to a source of electric power as prescribed by the ordinances, rules, and regulations of the (Name of Corporate Unit). The minimum capacity of such services and the minimum number of outlets and fixtures shall be as follows:

> **6.06.01** Every dwelling unit shall be supplied with at least one (1) 100 ampere service, that is not shared with another dwelling unit.
>
> **6.06.02** Every habitable room shall contain at least two separate wall-type, duplex electric convenience outlets or one such duplex convenience outlet and one supplied wall or ceiling type electric light fixture. No duplex outlet shall serve more than two fixtures or appliances.
>
> **6.06.03** Each room containing a water closet, lavatory sink, bathtub, or shower-stall shall contain at least one (1) supplied ceiling or wall-type lighting fixture and at least one (1) duplex electric convenience outlet that is protected by a ground fault interruptor.
>
> **6.06.04** Every non-habitable room, including laundry rooms, furnace rooms, and public halls shall contain at least one (1) supplied ceiling- or wall-type electric light fixture.
>
> **6.06.05** Temporary wiring or extension cords shall not be used as permanent wiring.

6.07 Light switches that control ceiling- or wall-type electric light fixtures shall be located conveniently for safe and reasonable use.

6.08 Every public hall and stairway in a multiple dwelling shall be adequately lighted by natural or artificial light at all times, providing in all parts thereof at least ten (10) footcandles of light at each tread or floor level. Every public hall and stairway in structures containing one or two (2) dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system that may be turned on when needed instead of full-time lighting.

SECTION VII

HEATING AND THERMAL REQUIREMENTS

No owner or other responsible person shall occupy or allow occupancy by any other person any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

7.01 Every dwelling shall have heating equipment and appurtenance that are properly installed, in safe and good working condition, are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments therein to the temperatures specified in Subsection 3.14.

7.02 No owner or occupant shall install, operate, or use a heating device, including a hot water heating unit, that employs the combustion of carbonaceous fuel, that is not vented to the outside of the structure in a manner approved by the (Appropriate Authority) and that is not supplied with sufficient air to continuously support the complete combustion of the fuel. All heating devices shall be constructed, installed, maintained, and operated in such a manner as to minimize burns and fires.

SECTION VIII

SANITATION AND SAFETY REQUIREMENTS

No owner or other responsible person shall occupy or allow occupancy by any other person any dwelling or dwelling unit, for the purpose of living therein, that does not comply with the following requirements:

8.01 Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, porch, and appurtenance thereto, shall be safe to use and capable of supporting reasonably expected weights and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and uniform treads with non-skid surfaces. The risers of such stairs shall not be more than eight inches (8″) and the treads shall not be less than nine inches (9″).

8.02 Every foundation, roof, exterior wall, door, skylight, and window shall be reasonably weather-tight, water-tight, and damp-free, and shall be kept in sound condition and good repair. Floors, interior walls, and ceilings shall be sound and in good repair. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment; provided that such paint or protective covering or material is approved for such use by the Director of Health. Walls shall afford privacy to the occupants.

8.03 Every premises shall be graded and drained of standing water, and maintained clean, sanitary, and safe as determined by the (Appropriate Authority). Water shall not remain beneath or under the buildings. This does not preclude the presence of fish or ornamental pools, lakes, etc.

8.04 Unless approved alternates are used, gutters, leaders, and downspouts shall be provided and maintained in good working condition to provide proper drainage of storm water as specified by the (Appropriate Authority).

8.05 Every window, exterior door, and hatchway or similar device shall be constructed to exclude vermin during the appropriate seasons.

> **8.05.01** Every doorway used for ventilation and opening directly from a dwelling or dwelling unit to outside space shall have supplied properly fitting screens having at least sixteen (16) mesh and with a self-closing device.

8.05.02 Every window or other device with openings to outdoor space and used for ventilation shall be supplied with screens; except that such screens shall not be required in rooms deemed by the (Appropriate Authority) to be located high enough as to be free from such insects, and/or in rooms located in areas of this (Name of Corporate Unit) that are deemed by the (Appropriate Authority) to have so few insects that screens are unnecessary.

8.06 Every dwelling, multiple dwelling, rooming house, or accessory structure and its included premises shall be maintained rodent-free and rodent-proof.

8.06.01 All openings in the exterior walls, foundations, basements, ground or first floors, and roofs that have a half-inch diameter or more opening shall be rodent-proofed in an approved way if they are within forty-eight (48) inches of the existing exterior ground level immediately below such openings, or if they may be reached by rodents from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs, rough masonry, trees, vines and other objects or by burrowing.

8.06.02 All windows, doors, and other openings used for ventilation that might provide an entry for rodents shall be supplied with adequate screens or other devices that will effectively prevent the entrance of rodents into the structure.

8.06.03 All sewers, pipes, drains, or conduits and openings around such pipes and conduits shall be constructed and maintained to prevent the ingress of rodents to or from a building.

8.06.04 Interior floors of basements, cellars, and other areas in contact with the soil shall be rodent-proofed in an approved way.

8.06.05 Materials stored outside the dwelling shall be stacked and elevated so that there is at least an eighteen (18) inch opening between the material and ground level to prevent a rodent harborage area. No stacking or piling of material shall take place against or within twelve (12) inches of the exterior walls of any structure.

8.06.06 Any materials used for rodent-proofing shall be acceptable to the (Appropriate Authority).

8.07 All fences shall be constructed of approved fencing material, maintained in good condition, and shall not create a harborage for rodents. Wood materials, other than decay resistant woods, shall be protected

against decay by use of non-lead-based paint or by other preservative material approved for such use by the Director of Health. The permissible height and other characteristics of all fences shall conform to the appropriate statutes, ordinances, and regulations of this (Name of Corporate Unit), and the State of (Name of State). Wherever any egress from the dwelling opens into the fenced area, there shall be a means of egress from the premises to a public way adjacent thereto.

8.08 Accessory structures shall be structurally sound and be maintained in good repair and free of insects and rodents, or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant with approved preservatives or by use of decay-resistant materials.

8.09 Every plumbing fixture and all water and waste pipes shall be properly connected, installed, and maintained in good sanitary working condition.

8.10 Every water closet compartment, bathroom, and kitchen floor surface and juncture with the wall shall be constructed and maintained reasonably impervious to water and be clean, and sanitary. This provision shall not be interpreted as preventing the use of carpeting.

8.11 Every plumbing fixture and pipe, chimney, flue, and smoke pipe, and every other facility, piece of equipment, or utility that is present in a dwelling or dwelling unit, or required under this ordinance, shall be constructed and installed in conformance with the appropriate statutes, ordinances, and regulations of this (Name of Corporate Unit) and the State of (Name of State).

8.12 No owner, operator, occupant, or other responsible person shall cause or allow any service, facility, equipment, or utility required under this ordinance to be removed from, shut off from, or discontinued for any occupied dwelling or dwelling unit let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the (Appropriate Authority). This provision shall not be interpreted as preventing a utility company from discontinuing service for reasons allowed by law.

SECTION IX

SPACE REQUIREMENTS

No owner or other responsible person shall occupy or allow occupancy by any other person, any dwelling or dwelling unit, for the purpose of living therein, that does not comply with the following requirements:

9.01 Within any dwelling and dwelling unit there shall be adequate space to accommodate safely the installed and/or supplied facilities and furniture that normally would be found in that area of the dwelling unit, as well as adequate space to permit persons to move around these items and/or to use them safely.

9.02 The maximum occupancy of any dwelling unit shall not exceed the following requirement:

> **9.02.01** For the first occupant there shall be at least one hundred fifty (150) square feet of floor space and there shall be at least one hundred (100) square feet of floor space for every additional occupant thereof. Floor space is to be calculated on the basis of total habitable room area.
>
> **9.02.02** In every dwelling and dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor space and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.

9.03 The ceiling height of any habitable room shall be at least seven (7) feet; except that in any habitable room with a sloping ceiling at least one half of the floor area shall have a ceiling height of at least seven (7) feet, and the floor area of that part of the room having a ceiling height less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy.

9.04 No room located partly or totally below grade shall be used as a habitable room of a dwelling or dwelling unit unless the room is provided with natural light by windows as required in Subsections 6.01 and 6.03. If such room is intended to be used for sleeping purposes, at least one

window shall be openable from the inside and shall be accessible to be easily and readily used as an emergency exit. Such openable window shall have a minimum net clear opening of 5.7 square feet; the minimum height measured from the top of the sill to the bottom of head of the window frame shall be not less than 24 inches; the minimum clear opening shall be no less than 20 inches in width; and the minimum height of the finished sill shall be not more than 48 inches above the floor. If the window, or any part of it, is located below grade, an excavation shall be made, in the exterior side of the window, that shall extend at least from a level located at least 6 inches below the bottom of the top of the finished sill to grade level. Such excavation shall extend at least 36 inches from the exterior side of the window and at least 36 inches on each side of the window. If the top of the window sill is 48 inches or more below grade, a stairway or set of steps shall be provided to serve as an emergency exit to grade. A door leading directly to the outside and providing an exit at grade level, from the habitable room located below grade may be used in lieu of the specified window.

9.05 Access to any sleeping room or water closet compartment shall not be through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement, cellar, or to the exterior of the dwelling unit.

9.06 Every dwelling unit shall have at least four (4) square feet of floor-to-ceiling height closet space for each permissible occupant; except if it is lacking in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy.

SECTION X

ROOMING HOUSES AND ROOMING UNITS

No person shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house that is not in compliance with the appropriate provisions of every section of this ordinance. No owner or other person shall occupy or let to another person any rooming unit unless it is clean and sanitary, and complies with all applicable requirements of (Name of Corporate Unit).

10.01 No person shall operate a rooming house unless he holds a valid rooming house license issued by the (Appropriate Authority) in the name of the operator and for the specific house or unit. The operator shall apply for a license to the (Appropriate Authority) upon compliance by the operator with the applicable provisions of this ordinance and any rules and regulations adopted pursuant thereto. This license shall be displayed in a conspicuous place within the rooming house at all times. No such license shall be transferable. Every person holding such a license shall give notice in writing to the (Appropriate Authority) within twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of ownership, interest in, or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every rooming house license shall expire at the end of one (1) year following its date of issuance, unless previously suspended or revoked.

10.02 At least one (1) flush water closet, lavatory, basin, and bathtub or shower, properly connected to a water and sewer system approved by the (Appropriate Authority) and in good working condition, shall be supplied for each six (6) persons or fraction thereof residing within a rooming house, including members of the operator's household if they share the use of the said facilities; provided:

> **10.02.01** That in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets and provided that there shall be at least one water closet.
>
> **10.02.02** That all such facilities shall be reasonably accessible from a common hall or passageway to all persons sharing them. Also, such facilities shall not be located more than one floor above or below the rooming unit or units served.

10.02.03 That every lavatory basin and bathtub or shower stall shall be supplied at all times with an adequate quantity of heated and unheated water under pressure.

10.02.04 That, if the rooming house has only one bathroom for use by the occupants of the rooming units, said bathrooms shall not be located below grade unless the rooming units are located on that level.

10.03 The following provisions shall apply in all rooming houses:

10.03.01 Cooking in rooming units is prohibited.

10.03.02 Communal cooking and dining facilities in a rooming house are prohibited, except as approved by the (Appropriate Authority) in writing.

10.03.03 All food service and dining facilities provided in a rooming house for the occupants of same shall comply with applicable food service legislation.

10.03.04 Access doors to rooming units shall have operating locks to ensure privacy.

10.03.05 Every rooming unit shall have at least one functioning smoke detector located on or near the ceiling in or immediately adjacent to the sleeping spaces. If the rooming house has more than three (3) rooming units, there shall be a smoke detector system installed in the hallways on each floor and in other locations designated by the (Appropriate Authority).

10.04 Unless exempted by the (Appropriate Authority) in writing, the operator of every rooming house shall provide a change of supplied bed linen and towels therein at least once a week, and prior to the letting of any room to any occupant, and the operator shall be responsible for the clean and sanitary maintenance of all supplied bedding.

10.05 Every rooming unit shall comply with the following space requirements:

10.05.01 Every rooming unit occupied by one (1) person shall contain at least one hundred ten (110) square feet of floor space. Every rooming unit occupied by more than one person shall contain at least ninety (90) square feet for each occupant thereof. Further, every rooming unit shall contain at least four (4) square feet of

closet space for each occupant with an unobstructed height of at least five (5) feet. If the closet space is lacking in whole or in part, space of the amount of the deficiency shall be subtracted from the area of the habitable room space when determining occupancy.

10.06 Every rooming unit shall have immediate access to two (2) or more approved means of egress, appropriately marked, leading to safe and open space at ground level or as required by the appropriate statues, ordinances, and regulations of this (Name of Corporate Unit) and the State of (Name of State).

10.07 Access to or egress from each rooming unit shall be provided without passing through any other rooming unit.

10.08 The operator of every rooming house or rooming unit shall be responsible for the clean and sanitary maintenance of the common areas of a rooming house or the common areas of a dwelling in which the rooming unit is located.

SECTION XI

INSPECTIONS: POWERS AND DUTIES OF THE (APPROPRIATE AUTHORITY)

11.01 The (Appropriate Authority) shall enforce the provisions of this ordinance and is hereby authorized and directed to make inspections at periodic intervals and in response to a complaint that an alleged violation of a provision of this ordinance or of an applicable rule or regulation or if the (Appropriate Authority) has valid reason to believe that a violation of this ordinance or any applicable rule or regulation has been or is being committed.

11.02 The (Appropriate Authority) is hereby authorized to enter and inspect at any reasonable time all dwellings, dwelling units, and rooming houses, and rooming units subject to the provisions of this ordinance for the purpose of determining whether there is compliance with its provisions.

11.03 The (Appropriate Authority) is hereby authorized to inspect the premises surrounding dwellings, dwelling units, rooming houses, and rooming units, subject to this ordinance, to determine if there is compliance with its provisions.

11.04 The (Appropriate Authority) and the owner, occupant, or other person in charge of a dwelling, dwelling unit, rooming unit, or rooming house subject to this ordinance may agree to an inspection by appointment at a time other than the hours provided in Subsection 11.02 by this ordinance.

11.05 Upon presentation of proper identification by the (Appropriate Authority), the owner, occupant, or other person in charge of a dwelling, dwelling unit, rooming unit, or rooming house shall give the (Appropriate Authority) entry and free access to every part of the dwelling, dwelling unit, rooming house, or rooming unit or to the premises surrounding any of these.

11.06 If any owner, occupant, or other person in charge of a dwelling, dwelling unit or rooming unit, or of a multiple dwelling or a rooming house subject to licensing under Section XII, fails or refuses to permit free access and entry to the structure or premises under his control, or any part

thereof, the (Appropriate Authority) upon a showing that probably cause exists for the inspection, may obtain an order from a court of competent jurisdiction to conduct the inspection.

11.06.01 When required the (Appropriate Authority) shall obtain the necessary order from the court to conduct the inspection.

SECTION XII

LICENSING OF THE OPERATION OF MULTIPLE DWELLINGS AND ROOMING HOUSES

12.01 No person shall operate a multiple dwelling or rooming house unless that person holds a current, unrevoked operating license issued by the (Appropriate Authority) for the named multiple dwelling or rooming house.

12.02 Every operating license shall be issued for a period of one (1) year from its date of issuance unless previously revoked, and may be renewed for successive periods not to exceed one (1) year.

12.03 The (Appropriate Authority) is hereby authorized upon application thereof to issue new operating licenses, and renewals thereof, in the names of applicant owners or operators of multiple dwellings and rooming houses. No such licenses shall be issued or renewed unless the multiple dwelling or rooming house in connection with which the license is sought is found upon inspection to meet all applicable requirements of this ordinance and applicable rules and regulations pursuant thereto.

12.04 No operating license shall be issued or renewed unless the applicant owner or operator has first made application therefor on an application form provided by the (Appropriate Authority). The (Appropriate Authority) shall develop such forms and make them available to the public.

12.05 No operating license shall be issued or renewed unless the applicant owner or operator agrees in the application to allow inspections pursuant to Subsections 10.01 and 11.01 as the (Appropriate Authority) may require to determine whether the multiple dwelling or rooming house in connection with which such license is sought is in compliance with the applicable provisions of this ordinance and with applicable rules and regulations pursuant thereto.

12.06 No operating license shall be issued or renewed unless the completed application form is accompanied by payment of a license fee of _____ dollars.

12.07 No operating license shall be issued or renewed for a nonresident applicant, unless such applicant designates in writing to the (Appropriate

Authority) the name of a resident agent for the receipt of service of notice of violation of the provisions of this ordinance and for service of process pursuant to this ordinance.

12.08 No operating license shall be issued or renewed for a resident applicant unless such applicant has first designated an agent for the receipt of service of violations of the provisions of this ordinance, if said applicant is absent from this (Name of Corporate Unit) for thirty (30) or more days. Such a designation shall be made in writing, and shall accompany each application form. The applicant may designate any person resident in this (Name of Corporate Unit) as his agent for this purpose, or may designate the (Appropriate Authority) as the agent for this purpose.

12.09 No operating license shall be renewed unless an application therefore has been made within sixty (60) days prior to the expiration of the present operating license.

12.10 Each license shall be displayed in a conspicuous place within the common ways of the multiple dwelling or rooming house. No license shall be transferable to another person, or to another multiple dwelling or rooming house. Every person holding an operating license shall give notice in writing to the (Appropriate Authority) within twenty-four (24) hours after having transferred or otherwise disposed of the legal control of any licensed multiple dwelling or rooming house. Such notice shall include the name and address of the person or persons succeeding to the ownership of such multiple dwelling or rooming house.

12.11 Every owner or operator of a licensed multiple dwelling or rooming house shall keep or cause to be kept, an accurate record of all repairs, alterations, and equipment changes related to the provisions of this ordinance or to any rules and regulations pertaining thereto, and of all corrections made as the result of inspections by the (Appropriate Authority). Such record shall be made available to the (Appropriate Authority) by the owner or operator upon request. Every owner or operator subject to this section shall be notified that such record may be used in administrative or judicial proceedings pursuant to the provisions of this ordinance. The Administrative Authority shall, upon issuance of a license as required in Subsection 12.01, advise the licensee of the necessity for such record and the procedure for keeping the record.

12.12 Whenever, upon inspection of the licensed multiple dwelling or rooming house, or of the records required to be kept by Subsection 12.11, the (Appropriate Authority) finds that conditions or practices exist which are in violation of the provisions of this ordinance or of any applicable rules and regulations pursuant thereto, he shall serve the owner or opera-

tor with notice of such violation in the manner hereinafter provided. Such notice shall state that unless the violations cited are corrected within a specified reasonable time, the operating license may be suspended.

12.13 At the end of the time allowed for correction of any violation cited, the (Appropriate Authority) shall reinspect the multiple dwelling or rooming house, and if it is determined that such conditions have not been corrected, may issue an order suspending the operating license.

12.14 Any person whose license to operate a multiple dwelling or rooming house has been suspended is entitled within 21 days of the date of the issuance of the suspension to a reconsideration of the order by an administrative conference with the (Appropriate Authority) or by an appeal to the Housing Code Appeals Board as hereinafter provided. If no request for reconsideration or appeal reaches the (Appropriate Authority) within 21 days following the issuance of the order of suspension, the license shall be revoked, except that prior to revocation any person whose license has been suspended may request reinspection upon a showing that the violation or violations cited in the notice have been corrected.

12.15 If upon reinspection the (Appropriate Authority) finds that the multiple dwelling or rooming house in connection with which the notice was issued is now in compliance with this ordinance and with applicable rules and regulations issued pursuant thereto, the (Appropriate Authority) shall reinstate the license. A request for reinspection shall not extend the suspension period, unless the (Appropriate Authority) grants such request.

SECTION XIII

RULES AND REGULATIONS

13.01 The (Appropriate Authority) is hereby authorized to make, adopt, revise, and amend procedural rules and regulations as it deems necessary to administer this ordinance.

SECTION XIV

NOTICE OF VIOLATION

14.01 Whenever the (Appropriate Authority) determines that any dwelling, dwelling unit, or rooming unit, or the premises surrounding any of these, fails to meet the requirements set forth in this ordinance or in applicable rules and regulations issued pursuant thereto, the (Appropriate Authority) in accordance with existing legislation shall issue a notice setting forth the alleged failures, and advising the owner, occupant, operator, or agent that such failures must be corrected. This notice shall:

14.01.01 Be in writing.

14.01.02 Set forth the alleged violations of this ordinance or of applicable rules and regulations issued pursuant thereto.

14.01.03 Describe the dwelling, dwelling unit, or rooming unit where the violations are alleged to exist or to have been committed.

14.01.04 Specify an appropriate or acceptable method of correction.

14.01.05 Specify a specific date for the correction of any alleged violation.

14.01.06 Be served personally upon the owner, occupant, operator, or agent of the dwelling, dwelling unit, or rooming unit or by registered or certified mail return receipt requested, addressed to the owner, occupant, operator, or agent. If one (1) or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice in or about the dwelling, dwelling unit, or rooming unit described in the notice, or by causing such notice to be published in a newspaper of general circulation for a period of five (5) consecutive days; or

14.01.07 Be served upon a resident agent for the receipt of such services of notice designated pursuant to Subsection 12.08; or

14.01.08 Be served upon the owner or his designated agent for such service pursuant to Subsection 12.07 or 12.08.

14.02 At the end of the time period allowed for the correction of any alleged violation, the (Appropriate Authority) shall reinspect the dwelling, dwelling unit, or rooming unit described in the notice.

14.03 If upon reinspection, the violations are determined by the (Appropriate Authority) not to have been corrected, the (Appropriate Authority) shall initiate legal proceedings for the immediate correction of the alleged violations or shall order the dwelling, dwelling unit, or rooming unit vacated within a reasonable time period or both.

14.04 Every owner of a dwelling, dwelling unit, or rooming house, or his agent shall notify any potential purchaser and the (Appropriate Authority) of a pending sale of any dwelling, dwelling unit, or rooming house that is in non-compliance with the provisions of this ordinance and which has been cited in a notice of violation.

14.05 Every owner of a dwelling, dwelling unit, rooming house, or rooming unit, or his agent shall notify the occupants of all affected dwellings, dwelling units, rooming houses, or rooming units of the receipt of a notice of violation for non-compliance of the provisions of this ordinance. Such notification shall be issued within 10 days after the receipt of such notice, unless remedial action has brought the premises into full compliance.

SECTION XV

PENALTIES

15.01 Any owner, occupant, operator, or agent of a dwelling, dwelling unit, or rooming unit who has received an order or notice of an alleged violation of this ordinance shall be subject to a penalty of ____ dollars or ____ days in jail, or both, for each day each alleged violation continues after expiration of the specified reasonable consideration period; provided that said person shall be penalized for those days during which a reconsideration, hearing, or appeal to a court of competent jurisdiction is pending in the matter.

SECTION XVI

CORRECTIVE ACTIONS

16.01 Repairs and Other Corrective Action

16.01.01 If an owner, operator, or agent of a dwelling, dwelling unit, rooming house, or rooming unit, fails, neglects, or refuses to make repairs or other corrective action called for by the order of notice of violation issued pursuant to Subsection 14.01 the (Appropriate Authority) may undertake such repairs or action when, in its judgment a failure to make them will endanger the public health, safety, or welfare, and the cost of such repairs and action will not exceed fifty (50) percent of the fair market of the structure to be repaired.

16.01.02 Notice of the intention to make such repairs or take other corrective action shall be served upon the owner, operator, or agent pursuant to Section XIV; or upon the agent designated for service pursuant to Subsection 12.07; or upon the resident agent of the owner as designated agent for service pursuant to Subsection 12.08.

16.01.03 Every owner, operator, or agent of a dwelling, dwelling unit, rooming house, or rooming unit who has received notice of the intention of the (Appropriate Authority) to make repairs or take other corrective action shall give entry and free access to the agent of the (Appropriate Authority) to make such repairs. Any owner, operator, or agent of a dwelling, dwelling unit, rooming house, or rooming unit who refuses, impedes, interferes with, hinders, or obstructs entry by such agent pursuant to a notice of intention to make repairs or take other corrective action shall be subject to a civil penalty of _____ dollars for each failure to comply with this section.

16.01.04 When repairs are made or other corrective action taken at the direction of the (Appropriate Authority), costs of such repairs and corrective action shall constitute a debt in favor of this (Name of Corporate Unit) against the owner of the repaired structure. In the event such owner fails, neglects, or refuses to pay (Name of Corporate Unit) the amount of this debt, it shall be recoverable in a civil action against the owner or his successor, brought in a court of competent jurisdiction by (Name of Corporate Unit), which shall possess all rights of a private creditor.

16.02 Designation of Unfit Dwellings, Dwelling Units, Rooming Houses, and Rooming Units.

16.02.01 Any dwelling, dwelling unit, rooming house, or rooming unit shall be designated as unfit for human habitation if any of the following defects or conditions is found, and when, in the judgment of the (Appropriate Authority), such defects create a hazard to the health, safety, or welfare of the occupants or of the public:

16.02.01.01 Is damaged, decayed, dilapidated, unsanitary, unsafe, vermin-infested, and/or contains hazardous levels of lead-based paint or other substances as referred to in Subsection 3.15;

16.02.01.02 Lacks illumination, ventilation, and/or required sanitation facilities;

16.02.01.03 The general condition of location is unsanitary, unsafe, and/or unhealthful; or

16.02.01.04 Lacks any basic facility, including but not limited to water, waste water disposal facilities, electricity, and heat.

16.02.02 Whenever any dwelling, dwelling unit, rooming house, or rooming unit has been designated as unfit for human habitation, the (Appropriate Authority) shall placard the dwelling, dwelling unit, rooming house, or rooming unit, indicating that it is unfit for human habitation; and, if occupied, shall order dwelling, dwelling unit, rooming house, or rooming unit vacated within a reasonable time, such time to be not less than (number of days or hours) or more than (number of days).

16.02.02.01 Whenever any dwelling, dwelling unit, rooming house, or rooming unit has been placarded and vacated the (Appropriate Authority) may order services and utilities to be turned off, disconnected, and discontinued, and all utility meters to be removed.

16.02.03 No dwelling, dwelling unit, rooming house, or rooming unit designated as unfit for human habitation, placarded, and vacated shall be used again for human habitation until written approval is received from the (Appropriate Authority) and the placard removed by the (Appropriate Authority).

16.02.04 The (Appropriate Authority) shall rescind the designation as unfit for human habitation and remove the placard when the

defect or condition upon which such designation and placarding was based has been removed or eliminated and the dwelling, dwelling unit, rooming house, or rooming unit is deemed by the (Appropriate Authority) as a safe, sanitary, and decent place for human habitation.

16.02.05 No person shall deface or remove the placard from any dwelling, dwelling unit, rooming house, or rooming unit that has been designated as unfit for human habitation, except as provided in Subsection 16.02.04.

16.02.06 Any person affected by any decision of the (Appropriate Authority) including any designation or placarding of a dwelling, dwelling unit, rooming house, or rooming unit, as unfit for human habitation shall be granted a hearing on the matter before the (Appropriate Authority) under the procedure set forth in Section XVIII of this ordinance.

16.03 Demolition of Dwellings, Dwelling Units, Rooming Houses, or Rooming Units Designated as Unfit for Human Habitation.

16.03.01 The (Appropriate Authority) shall order a dwelling, dwelling unit, rooming house, or rooming unit demolished if it has been designated as unfit for human habitation, has been placarded as such, has been vacated, has not been properly repaired allowing rescission of the designation as unfit for human habitation, and is determined by the (Appropriate Authority) not to warrant repair under Subsection 16.01.01.

16.03.02 The owner of any dwelling, dwelling unit, rooming house, or rooming unit that has been ordered demolished shall be given notice of this order as provided for service of notice in Section XIV and shall be given a reasonable time, not to exceed ninety (90) days, to demolish such structure.

16.03.03 Any owner aggrieved by the notice to demolish may within thirty (30) days seek a reconsideration of the matter as hereinafter provided, and may seek a hearing as provided in Section XVIII.

16.03.04 If the owner fails, neglects, or refuses to demolish an unfit, unsafe, or unsanitary dwelling, dwelling unit, rooming house, or rooming unit, within the required time, the (Appropriate Authority) may apply to a court of competent jurisdiction for a demolition order. The court may grant such order when no reconsideration or hearing on the matter is pending. If the cost of such demolition shall create a debt in favor of (Name of Corporate Unit) against such

owner, such costs shall be recoverable in a civil action brought by this (Name of Corporate Unit) which shall possess all the rights of a private creditor.

16.03.05 If a dwelling or rooming house is demolished, whether carried out by the owner or by the (Appropriate Authority), such demolition shall include the filling in of the excavation on which the demolished dwelling or rooming house was located so as to eliminate all potential danger to the public health, safety, or welfare arising from such excavation.

16.03.06 Any demolition shall be preceded by an inspection of the premises by the (Appropriate Authority) to determine whether or not extermination procedures are necessary. If the premises are found to be infested with rodents appropriate rodent and/or insect extermination procedures shall be instituted before, during, and after demolition to prevent the spread of rodents and/or insects to adjoining or other areas.

16.03.07 If a dwelling or rooming house has been demolished, such demolition shall include, if applicable, the proper abandonment of the individual water well and the filling with sand or soil of the septic tank and cesspool or leaching pit if any as required by the (Appropriate Authority).

SECTION XVII

COLLECTION AND DISSEMINATION OF INFORMATION

17.01 The (Appropriate Authority) is hereby authorized to collect and disseminate information concerning techniques of maintenance, repair, and sanitation in housing, and concerning the requirements of this ordinance and applicable rules and regulations issued pursuant thereto.

SECTION XVIII

APPEALS

18.01 There is hereby created a Housing Code Appeals Board consisting of (membership characteristics enumerated). The (Appropriate Person or Agency) shall designate the Chairman and Secretary of Housing Code Appeals Board. When feasible, minority representation on the Housing Code Appeals Board shall be provided.

18.02 The Housing Code Appeals Board shall adopt reasonable rules and regulations for the conduct of its meetings and investigations and shall render all decisions and findings in writing to the (Appropriate Official). All decisions and findings shall be made part of the public record.

18.03 Any person aggrieved by a notice of the (Appropriate Authority) issued in connection with any alleged violation of this ordinance, of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may apply to the (Appropriate Authority) for an administrative conference for reconsideration of such notice or order if such application is made within fourteen (14) days after the date the notice or order was served. If the (Appropriate Authority) holds an administrative conference for reconsideration of notice or order, the (Appropriate Authority) shall prepare a summary of the conference including a statement or decision reached. Such summary and statement shall become part of the public record.

18.04 Any person aggrieved by a notice of the (Appropriate Authority) issued in connection with any alleged violation of this ordinance, of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition may apply to the Housing Code Appeals Board for a reconsideration of such notice or order provided such application is made within twenty-one (21) days after the date the notice or order was served.

18.05 Upon receipt of an appeal the Housing Code Appeals Board shall set a time and place for the hearing within ten (10) days of the receipt of such application, and shall advise the applicant in writing of such time and place at least seven (7) days prior to the date of the hearing.

18.06 At the hearing, the applicant shall be given an opportunity to be heard and to show cause why such notice or order should be modified, extended, withdrawn, or a variance granted.

18.07 The Housing Code Appeals Board, by a majority vote, may sustain, modify, or withdraw the notice or order. In granting an extension or variance of any notice or order, the Appeals Board shall observe the following conditions:

18.07.01 The Housing Code Appeals Board may grant an extension of time for the compliance with any order or notice for not more than six (6) months subject to appropriate conditions and provided that the Appeals Board makes specific findings of fact based on evidence relating to the following:

18.07.01.01 That there are practical difficulties or unnecessary hardships in carrying out the strict letter of any notice or order; and

18.07.01.02 That such an extension is in harmony with the general purpose and intent of this ordinance in securing the public health, safety, and general welfare.

18.07.02 The Housing Code Appeals Board may grant a variance in a specific case and from a specific provision of this ordinance subject to appropriate conditions and provided the Appeals Board makes specific findings of fact based on evidence related to the following:

18.07.02.01 That there are practical difficulties or unnecessary hardships in carrying out the strict letter of any notice or order; and

18.07.02.02 That the effect of the application of the provisions would be arbitrary in the specific case; and

18.07.02.03 That an extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships and this arbitrary effect; and

18.07.02.04 That such variance is in harmony with the general purpose and intent of this ordinance in securing the public health, safety, and general welfare.

SECTION XIX

EMERGENCIES

19.01 If, in the judgment of the (Appropriate Authority), an emergency exists that requires immediate action to protect the public health, safety, or welfare, an order may be issued, without a hearing or appeal, directing the owner, occupant, operator, or agent to take such action as is appropriate to correct or abate the emergency. If circumstances warrant, the (Appropriate Authority) may act to correct or abate the emergency.

19.02 Upon request, the owner, occupant, operator, or agent shall be granted a hearing before the Housing Code Appeals Board on the matter as soon as practicable, but such appeal shall not stay the abatement or correction of such emergency.

SECTION XX

CONFLICT OF ORDINANCES: EFFECT OF PARTIAL INVALIDITY

20.01 If any provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of this (Name of Corporate Unit), the provision that establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. If any provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of this (Name of Corporate Unit) that establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

20.02 If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and to this and the provisions of this ordinance are hereby declared to be severable.

SECTION XXI

EFFECTIVE DATE

21.01 This ordinance shall be effective on and after the _____ day of _____, 19_____.

APPENDIX I

A BRIEF HISTORICAL OVERVIEW OF HOUSING STANDARDS AND HOUSING CODES IN THE UNITED STATES

The Colonial Period

The first public policies concerning housing in the United States were established long before 1776, the year in which this country existed emerged as an independent nation. An early example concerns many of the original houses built in early Colonial times which had thatched roofs and chimneys constructed of wood. To reduce the hazard from fire, some of the early settlements prohibited this type of housing construction. One of the first recorded prohibitions against the use of thatch for roofing was enacted in 1626 by the Plymouth Colony of Massachusetts. The settlement of New Amsterdam, which later became New York City, in 1648 similarly prohibited the use of wooden or plastered chimneys for new construction for safety reasons. [1] The examples continue. In 1652, the City of Boston enacted a standard which required that there be at least 12 feet between a privy and the street. The Dutch of New Amsterdam passed the first law in the United States which concerned sanitation in the immediate environs of dwellings: they legislated against the placing of rubbish and filth in the streets or the canals and required that housebuilders keep streets in front of their dwellings clean and orderly.

The Mid-Nineteenth Century

To many historians, 1850 marked the beginning of "The Great Sanitary Awakening" in the United States. A memorable document that had, and still has, great significance was published in that year. It was the *Report of the Sanitary Commission of Massachusetts, 1850.* [2] The secretary of the Commission was Lemuel Shattuck and the report contained fifty recommendations for improving the health of the people of Massachusetts. Two of the recommendations, the nineteenth and the twentieth, pertained to sanitation and the use of dwellings as follows:

> "XIX. We recommend that, before erecting any new dwelling-house, manufactory, or other building, for personal accommodation, either as a lodging-house or place of business, the owner or builder be required to give notice to the local Board of Health, of his intention and of the sanitary arrangements he proposed to adopt."

"XX. We recommend that local Boards of Health endeavor to prevent or mitigate the sanitary evils arising from over crowded lodging houses and cellar-dwellings."

To implement these recommendations the Commission recommended that local Boards of Health be authorized to enact rules and regulations concerning the construction and maintenance of privies, cesspools, drains, and sewers, and "for preventing the sanitary evils which arise from overcrowded boarding or lodging-houses, and from cellar-dwellings."

In discussing the nineteenth recommendation, the Report had this to say:

"The Boards of Health are supposed to possess a much better knowledge, generally, of the methods of constructing dwelling-houses, in regard to the particular sanitary objects they have in view, than the great mass of the people; and few persons, it is supposed, will be found, who will not feel grateful to them for any suggestions which might lead to real improvement. —A regulation similar to this exists in New York, Philadelphia, and many other places; and is found to work so well as be worthy of general adoption."

A search of the records of the Boards of Health of New York and of Philadelphia has provided no data concerning such a regulation nor of the effect of such requirements and/or practices.

Beginning of the Tenement House Era

The immigration of large numbers of Europeans to the cities on the eastern seaboard of the United States during the mid-nineteenth century gave rise to many serious problems associated with housing. New York City was a focal point of this migration and soon the conventional housing resources of the city were over-burdened. To help alleviate the congestion and overcrowding, tenement houses began to be built in large numbers. These dwelling units, instead of providing remedies, created some serious health and social welfare problems. In 1867, to combat the hazards afforded by these buildings, the State of New York passed its first Tenement House Act. [3] This legislation required: 1) that ventilation of rooms used for sleeping in tenement and lodging houses be provided by a window to the outside or by a ventilating or transom window to the neighboring room or hall; 2) that the roofs be kept in good repair; 3) that stairs have bannisters; 4) that at least one water closet or privy be provided for every twenty occupants; and 5) that every lodging house be kept clean to the satisfaction of the Board of Health. This legislation may appropriately be called the beginning of present day housing standards.

The Tenement House Act of 1867 of the State of New York brought about only a few tangible and beneficial results, and the need for additional legislative control of housing was soon recognized. Four major amend-

ments were enacted by the legislature of the State of New York between 1867 and the turn of the century. The 1879 amendment, for example, required that every occupied room be provided with an openable window that would provide at least 12 square feet of opening. Unfortunately, the formulation of these housing standards did not relieve the critical state of housing sanitation and welfare problems of New York City, largely because this housing legislation was not enforced. Thus, the quality of the housing stock of New York City continued to deteriorate until the end of the century.

While the City of New York was trying to cope with its tenement house problems through state legislation, other cities were attempting to provide solutions to similar problems. Notable among these cities was Chicago, which enacted its first housing legislation in 1889. Legal controls over ventilation, light, drainage, and plumbing of tenement and lodging houses were subsequently enacted in 1896. However, Chicago's need for housing standards differed from that of the City of New York. Most tenement houses in Chicago, for example, were built of wood. Dilapidation and deterioration and the concomitant risk of fire were among the more serious housing problems in that city.

First Two Decades of the Twentieth Century

On October 17, 1900, Lawrence Veiller, Secretary, New York Tenement House Commission, prepared a special report entitled *"Housing Conditions and Tenement Laws in Leading American Cities."*[4] This report described housing conditions in twenty-seven cities in the United States, and compared the more important provisions of the ordinances of each city as they affected tenement houses. It provided a basis for the promulgation and enactment of the New York (State) Tenement House Act of 1901. This legislation established standards for "tenement" houses that were to be enforced by the courts. The provisions of this law dealt with protection from fire, including exit facilities; light and ventilation, including size of inner courts and yards; sanitary provisions, including water closet accommodations; cellar and basement occupancy and overcrowding; and "remedies," including requirements for building permits, registration of owners of rental property, and other administrative details. Of great significance is the fact that this legislation remained virtually unchanged until 1929, when the Multiple Dwelling Law supplanted it. In retrospect, this 1901 legislation, for its time, was extremely comprehensive and has been termed "the most significant regulatory act in America's history of housing." [5]

The concepts and methods of the 1901 Act still underlie much of the present regulatory housing legislation, not only in New York, but in other cities in the United States. The Tenement House Act of 1901 of the State of New York was used as a model for legislation regulating tenement

houses in various cities and states of the United States. By 1910, over one-fourth of the states had passed laws similar to the Tenement House Act of 1901. Some of these states designated and authorized one of their state agencies to take appropriate action when local governmental agencies failed to do so. [6]

Veiller continued his efforts to get even better housing legislation. In 1910, he developed *A Model Tenement House Law* [7] and in 1914, *A Model Housing Law.* [8] The latter model legislation was a bold departure from the general pattern of housing law in that its provisions were applicable to all types of dwellings, including single- and two-family dwellings, not just tenement houses. Though the concept of "housing law" was not conceived by Veiller, he clearly gave impetus to the movement to control the quality of housing. Columbus, Ohio, is credited with being the first city in the United States to adopt a housing law. Its ordinance was enacted in 1911. Other cities and a few states adopted similar housing laws over the next few years, but all largely followed the concepts of Veiller. [9]

The State of Michigan and the City of Minneapolis, Minnesota, adopted Veiller's model housing law in 1917. In the next year, St. Paul, Minnesota, enacted similar legislation. In 1919, Iowa, with the strong support of its cities adopted an almost verbatim copy of the Veiller model law. In the same year, bills for state-wide housing laws were introduced in the legislatures of Illinois and Pennsylvania, and a bill to create a special housing law for Boston was presented to the legislative body of Massachusetts. However, in a setback for the housing control effort, these bills failed to pass even with good public support. Subsequent attempts to enact them failed also. In 1919, Portland, Oregon, adopted housing legislation based on the model of Veiller, but this law was so extensively revised in 1920 that it became virtually useless. The momemtum which had built up since 1901 appeared to stall.

Between the World Wars

In the ten-year period following World War I, virtually no new regulatory legislation affecting the quality of housing was passed in states or in cities of the United States. Then, in 1929, a fateful piece of legislation was enacted. This was the Multiple Dwelling Law of the State of New York, which replaced many of the provisions of the 1901 Tenement House Act with less stringent requirements. As initially conceived, the Multiple Dwelling Law of the State of New York was actually intended to govern "multiple dwellings" only in New York City.

The lessening of restrictions on housing and building requirements brought about by the 1929 Multiple Dwelling Law of New York was generally a summary statement of the times. During the prosperous period of the 1920's, enforcement of building and housing laws was being relaxed almost everywhere. According to G.H. Beyer, the depression of the

1930's did more than anything else to bring the federal government into the housing field on a broad, national scale. [10] President Herbert Hoover acknowledged the situation when, in 1921, he called the "President's Conference on Homebuilding and Home Ownership." This meeting paved the way in the following year to legislative action by the US Congress known as "The Federal Home Loan Bank Act." A new effort to regulate housing had begun.

In 1934, Congress passed the National Housing Act, and the Federal Housing Administration (FHA) was created to carry out the objectives of the Act. One of the purposes of the Act was to create a sounder mortgage system through the provision of a permanent system of government insurance for residential mortgages made on a long-term, amortized basis. To provide a basis for the determination of insurability of these mortgages, the FHA developed minimum property standards. These standards did not necessarily have a scientific base. Most of them were empirically derived. It has been said that:

> ....the FHA standards are definitely minimum, in part to the pressure exerted by builders for minimum space allowances in order to keep building costs down... [11]

In January 1936, the Housing Commission of the Health Organization, League of Nations, developed a program of studies which was approved by the Health Committee and the Council of the League of Nations. This program involved an exchange of information and national experiences on four fundamental topics with the first one subdivided into five subareas as follows:

1. hygiene of the building and dwelling
   (a) human comfort and health
   (b) quality of building materials from the point of view of hygiene
   (c) hygiene of heating and cooling
   (d) hygiene of ventilation
   (e) hygiene of insulation of natural and artificial lighting
2. hygiene of city planning
3. types of urban and rural dwellings and achievements of town and rural development planning
4. housing standards and regulation, housing inspections

In 1937, at the request of the Housing Commission, the Committee on the Hygiene of Housing was established by the American Public Health Association to serve as the US "national committee on housing and health."

While the American Public Health Association's committee was not an official national committee on housing and health, it did have official sanc-

tion from the Surgeon General of the United States Public Health Service to represent the United States.

The Housing Commission of the Health Organization, League of Nations, did not get the full program of studies and exchange of information between nations into operation as planned because of the outbreak of hostilities in Europe leading to World War II. Discussions by the Commission of issues concerning housing standards and regulations were never begun, but the definition of this subject as a fundamental problem area of housing and health was all that was needed to initiate activity by the Committee on the Hygiene of Housing, American Public Health Association (APHA). In the early work of this Committee, the members felt that it was essential to formulate the basic health needs which housing should subserve before other activities of the Committee could be undertaken. The first document prepared by this Committee, in 1939, was entitled *Basic Principles of Healthful Housing.* [12]

On the eve of the entry of the United States into World War II, the modern housing code was born. On March 6, 1941, the Honorable Howard W. Johnson, Mayor of the City of Baltimore, approved legislation that was known as "Ordinance on the Hygiene of Housing." This legislation added eight new sections to the Baltimore City Code under "Health," and required *inter alie* that:

> ...dwellings be kept clean and free from dirt, filth, rubbish, garbage and similar matter, and from vermin and rodent infestation and in good repair fit for human habitation... [13]

This ordinance was performance-type legislation and specified the objectives to be attained. The Commissioner of Health was authorized to adopt rules and regulations deemed proper and necessary for the enforcement of the provisions of the ordinance. Under the authority granted him by the "Ordinance on the Hygiene of Housing," the Commissioner developed a set of rules and regulations which, in conjunction with the ordinance, became known as "the housing code." These rules and regulations were largely specification-type legislation and defined an absolute minimum for occupied dwellings. Although there was little or no scientific basis for some of the standards, they were based on the professional judgment of an outstanding public health physician and administrator, Dr. Huntington Williams, who had been concerned for many years with the effect of substandard housing environments on the health of the occupants.

Post-World War II Era

In 1949, a most significant piece of legislation was enacted, as the United States began to change from a wartime economy to one based upon social and human needs. In the Housing Act of 1949, the Congress

of the United States spelled out in specific terms a national policy for housing, one that had been only intimated in the federal housing legislation of the 1930's. In enacting this law, Congress declared that:

> ....the general welfare and security of the nation and the health and living standards of its people require housing production — sufficient to remedy the serious housing shortage, the elimination of substandard and other inadequate housing through the clearance of slums and blighted areas, and the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family. [14]

The 1949 Act established a national housing goal toward which the United States is striving, namely, "a decent home and a suitable living environment for every American family." However, this goal has yet to be defined specifically. National standards have not been developed that explicitly state the minimum provisions of "a decent home" or "a suitable living environment."

Subsequent federal housing legislative acts amended many provisions of the 1949 Act, but not changed substantially the goal of national housing policy.

In the early 1950's, Professor C.-E.A. Winslow, then chairman of the APHA Committee on the Hygiene of Housing, expressed his conviction that health officers in particular have an administrative responsibility to eliminate the more serious health hazards associated with substandard dwellings. Thus, in 1952, the American Public Health Association published *A Proposed Housing Ordinance* [15] prepared by the committee. The provisions of this housing code were based in part upon the data contained in *Basic Principles of Healthful Housing* [12] and the three monographs on *Standards for Healthful Housing.* [16]

A Proposed Housing Ordinance has been used over the years as a model for numerous state and city housing codes. It has proven to be very useful in eliminating many substandard housing units in urban areas. Numerous court decisions have been rendered concerning the reasonableness and the validity of the minimum housing standards suggested in this code.

A few years after *A Proposed Housing Ordinance* was first published, other model housing codes were developed. In 1954, the National Institute of Municipal Law Officers developed the *NIMLO Model Minimum Housing Standards Ordinance* [17] as part of a comprehensive set of model ordinances on many phases of municipal regulatory activity. This model housing law was strikingly different from APHA's model housing code since it actually cited very few standards. Instead of providing specific values for various criteria, blank spaces were provided in the text of the ordinance so that the adopting municipality could insert its own arbitrary values.

In 1955, the first of several model housing codes sponsored by building officials' organizations was published. This was the *Uniform Housing*

Code[18] published by the International Conference of Building Officials. It too was unlike *A Proposed Housing Ordinance*. Like all model housing codes which are sponsored by building officials' organizations, this one was not geared directly to fulfilling a social need, but "to fill one of the primary needs of American cities in securing funds from federal agencies for urban renewal..."[19] It was only secondarily oriented to the elimination of substandard dwellings.

The federal *Housing Act of 1954*[20] was an important factor in the enactment of housing codes by many municipalities in the United States. This legislation placed major emphasis on the prevention of slums and urban blight and required that before a community could receive federal funding to improve the quality of housing it had to have undertaken positive programs to prevent the spread or recurrence of substandard dwellings. These "positive programs" became known as workable programs and entailed the adoption, modernization, administration, and enforcement of housing, zoning, building, and other local laws, codes and regulations relating to land use and adequate standards of health, sanitation, and safety for buildings, including the use and occupancy of dwellings.

In the subsequent years, some municipalities attempted without success to use housing codes as the basis for rehabilitation of substandard structures, a purpose for which they were not intended. For those municipalities who desire to rehabilitate substandard housing, guidelines such as those found in publications published by the United States Department of Housing and Urban Development entitled *Minimum Design Standards for Rehabilitation of Residential Properties*[21] are more appropriate.

The present *Housing and Health: APHA-CDC Recommended Minimum Housing Standards* represents the fifth revision of *A Proposed Housing Ordinance*.[15] The first revision was published in 1967 as a First Action Copy.[22] A subsequent revision was developed by The Subcommittee on Housing Regulations and Standards, Program Area Committee on Housing and Health in 1969 and published by the Environmental Control Administration, U.S. Public Health Service.[23] The 1969 revision included additional requirements and substantial changes were made to the administration and legal sections to provide the enforcing official with more effective means to obtain compliance.

Yet another revision was developed and published in 1971 as a part of a document entitled *Housing: Basic Health Principles and Recommended Ordinance*.[24] This was not substantially different from the 1969 revisions. Changes tended to be minor in scope.

In 1975, the fourth revision was prepared. This undertaking was completed in cooperation with the Centers for Disease Control, US Public Health Service.[25] This revision contained many changes in both the technical and administrative sections.

This 1986 revision contains many new provisions which reflect, in part, an increased understanding of public problems associated with housing.

The director of health, whether or not this person is named as the administrator of the housing code enforcement program, has been given an increased role to play, e.g., establishing from time-to-time maximum permissible concentrations of indoor air pollutants.

APPENDIX II

HEALTH AGENCY RESPONSIBILITY FOR ACHIEVING MINIMUM STANDARDS IN EXISTING HOUSING

Although the Housing Act of 1949 called for a "decent home and a suitable living environment for every American," over 35 years later this goal has still not been attained. The 1968 Douglas Commission (Report of the National Commission on Urban Problems) found that only about one-fourth of all communities were covered by housing codes, leaving hundreds of cities and counties and virtually all rural areas uncovered. While no national studies have been developed since the Douglas Commission Report which give a true picture of the number of communities that have adopted housing codes, it has been estimated that between 25 and 40 percent of the communities in this country are still without housing code coverage today.

When this lack of a housing code is brought to the attention of many community officials, a frequent response is, "our community is covered under our building code." This misunderstanding of the distinction between a housing code and a building code points out the need for further discussion of these two items.

The principal purpose of a "building code" is to regulate construction of the building so that the structure can safely sustain the intended loads, and provide reasonable safe occupancy against fire and similar hazards. However, a "housing code" is intended to set minimum standards which are essential to make a dwelling safe, sanitary, and fit for human habitation by governing the condition and maintenance, the supplied utilities, facilities, and occupancy.

Although "housing code" and "housing ordinance" are two terms that are often used interchangeably, and ordinance is the actual legislation which puts into effect a set of standards called a code, in this case, a housing code.

The relationship between an adequate housing environment and the health status of individuals and the community has been clearly demonstrated. Direct effects of the housing environment on health are the most obvious and the easiest to study. Instances of lead poisoning, accidents, contact infections, and enteric diseases resulting from grossly unsanitary methods of waste disposal and/or contaminated water supplies are all directly correlated with residential environmental conditions.

However, numerous studies indicate that housing acts more often as an indirect or passive contributor to adverse resident health, as when over-

crowding contributes to the spread of tuberculosis and other respiratory diseases, the lack of home maintenance contributing to rodent infestation, or the lack of adequate ventilation exacerbates existing respiratory diseases.

Who has the responsibility to ensure the healthful housing conditions within the community? The answer is simple. State and local health agencies alike have the responsibility to see that this protection is afforded to every citizen within their state. However, this does not mean that the State or local health agency has to actually carry out the housing programs.

In order to meet its responsibility, a health agency must accept the role of either stimulating or carrying out, as the case may be, four required kinds of governmental actions. These needed actions include: (1) adoption of minimum health standards in housing; (2) conducting a program to achieve and maintain such standards; (3) periodic evaluation of the standards to ensure their current adequacy; and (4) monitoring the standards enforcement effort to guarantee that the public health values are provided. In many states, agencies other than the health department have been delegated specific powers to carry out these needed actions.

The health agency does conduct the housing hygiene program in many communities; in others, the program may be administered by the building department, or some other inspection agency. Although in some communities the board of health may adopt the minimum housing standards, in most communities, adoption is by the local governing body. In all communities having a housing hygiene program, regardless of which local department administers the program, the health agency has the obligation for continued monitoring and evaluation of program results.

In communities which have neither standards nor housing programs, the health agency has the responsibility of assuring healthful housing conditions by stimulating the required governmental action. Stimulation may be direct, through elected or appointed officials, or indirect, by generating public support which will trigger official action.

The health agency has responsibility for determining the adequacy of existing minimum health standards for housing. At the present time, minimum standards may vary from jurisdiction to jurisdiction within a state, so long as they conform to the requirements of the controlling State legislative or constitutional provisions. Furthermore, standards may vary from state to state depending of the restrictions included in the State enabling legislation.

The health agency responsibility does not end with the adoption of an adequate housing code. The health agency must also ensure that the housing code administration efforts are effective. These efforts must be broad enough to use all aid programs that are appropriated and acceptable to the community, and to enforce all local minimum housing standard regulations.

It is the hope of the APHA Committee on Housing that *Housing and Health* will provide the information necessary for each health agency to

examine its own community housing codes and compare the provisions of any existing ordinances with those contained in this document. In cases where a new code must be adopted or existing codes revised, we hope these actions will receive careful consideration.

Finally, trained personnel are required to achieve the objectives of any housing hygiene activity. The health agency should play an important part in recruiting and training housing inspectors, whether the housing program is located in the health agency or in other city/county departments.

The APHA Committee on Housing believes that this newly revised model housing code will provide health officials and others responsible for community housing programs one more tool to improve the quality of housing, as well as the overall health of the community. We hope that these agencies will rise to the occasion and provide the needed leadership to carry out the mandate given in 1949 to help "provide for a decent home and a suitable living environment for every American family.

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