Healthy Housing: State Policies, State Responses

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National Conference of State Legislatures
For audio, phone (415) 655-0051; access code 722-933-047#
Why Focus on Housing?

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

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

State Response
- Housing and building codes
  - State or Local enforced (Police Powers)
  - Privately enforced (insurance, mortgage, bond)
- NJ has statewide code; AZ relies on local codes
Regulating Housing

City Jurisdiction:

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

County Jurisdiction:

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

• No organic Federal Act
  – No Congressional authority
• No model state law
  – Complex and undefined topic
• No quick legislative fix
  – Will require amendments to several laws
  – Will require new authorities for agencies to act
  – Will require additional or reassigned resources
Regulating an Unregulated Community

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

• Whose interests are served?
  – Can public health be linked to Medicaid?
  – Could industry benefit (i.e., profit) from such legislation?

• Whose interests are compromised?
  – Who will pay to retrofit homes?

• Can housing become healthy without legislation?
  – Amend/expand current legislative authorities

• Can/will the federal government perform this service?
  – Will states be preempted from acting?
Residential Building Codes

IBC - International Building Code
IEBC - International Existing Building Code
IEC - International Energy Code
IECC - International Energy Conservation Code
IFC - International Fire Code
IFGC - International Fuel Gas Code
IMC - International Mechanical Code
IPC - International Plumbing Code
IPMC - International Property Maintenance Code
IRC - International Residential Code
NBIC - National Board Inspection Code
NFPA - National Fire Protection Association
NGBS - National Green Building Standard
Uniform Residential Landlord-Tenant Act (URLTA)

Adopted in 25 States
‘Warranty of Habitability’ provisions adopted in 6 states
15 states have various provisions regarding Landlord-Tenant Duties
3 states have no Property Maintenance Provisions
North Dakota has no Landlord-Tenant Law
Code Adoption
Red – State Legislative Review
Dark Blue – State Control
Lt Blue – State/Local
Purple – Local Control
State Policies beyond Codes

29 States require Carbon Monoxide Detectors
37 States have laws related to Radon
  - 11 States require Radon-resistant new construction
9 States have laws related to health-threats from mold
2 States address Formaldehyde under indoor air quality
35 States have laws regarding Stoves, Heaters, Fireplaces, and Chimneys
5 States have laws on Mercury in homes
Bedbugs are regulated in hotels (AZ, NV, OH, WV, TX), in rentals (FL, ME), schools (NY) and migrant labor camps (IA).
NCSL’s Healthy Housing Database

Healthy Housing State Laws – www.NCSL.org GO 19836

State Building Codes – www.NCSL.org GO 25252

Environmental Health Legislative Database – www.NCSL.org GO 17322
Questions or Comments?

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Archived Webinar

Slides and a recording of today's event will be made available within 5 business days at http://www.ncsl.org/default.aspx?tabid=28901

Questions or Comments?

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