

Technical Assistance for Code Transformation and Innovation Collaborative (TACTIC Project)

CLEEC

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Outline for Today

- Refresher on project description and goals
- National best practices
- Review of Michigan requirements
- Statewide recommendations
- Recommendations for localities
- The promise of using housing codes to prevent childhood lead poisoning
- Discussion

- Opinions and recommendations are those of the National Center for Healthy Housing and do not necessarily reflect those of the State of Michigan or any of the local jurisdictions in this report

Project Description

- Using housing codes as a mechanism for preventing childhood lead poisoning
- Funded by the Michigan Department of Health and Human Services, Child Lead Exposure Elimination Innovations Grant
- Grand Rapids, Battle Creek, Detroit, and Flint
- June 2018-May 2019, with a second year of funding starting June 2019

Project Goals

Analyze City Codes and Compare to Best Practices

We compared city code language to the National Healthy Housing Standard (using NCHH's Code Comparison Tool) and national models.

Meet with City Staff and Community

We met with city staff and community members in each city to discuss present enforcement practices and specific opportunities for improvement.

Make Recommendations

We drafted a set of recommendations for each city and the state of Michigan, with city and state staff given a chance to review and comment.

National Best Practices

Rochester, NY

- Rental ordinance passed in 2005.
- Certificate of Occupancy Inspections every three or six years.
- Code officials conduct a visual inspection:
 - If paint is intact, they **take eight dust wipe samples** to ensure there are no lead hazards.
 - If paint is not intact, lead-safe work practices must be used, followed by private dust testing for clearance.
- Maintains public database of properties that have passed their most recent C of O inspection.

Best Practices

Rochester, NY - Successes

- Blood lead levels in Rochester have improved at twice the rate of New York State.
- 166,906 units inspected. Compliance rates:
 - Initial visual inspection: 86% exterior, 95% interior.
 - Visual compliance after remediation: 88% exterior, 84% interior.
 - Percentage with lead dust hazards complied with remediation: 98% (4,141 units cited).
- Housing market has not been significantly impacted.

Best Practices: States

Maryland: State Registration

- Older properties must register and hire a private lead paint inspector for a visual inspection and dust test. Must hire a qualified contractor to remediate any deteriorated paint & cleanup
- Must re-certify compliance before each change in occupancy.
- When a tenant notifies a landlord that there is deteriorated paint or a child with an EBLL, they have 30 days to address and pass an inspection.
- State attorney general's office is responsible for enforcement against noncompliant owners.

Rhode Island: State Code

- Before any change in ownership or tenancy, or every two years, the owner must hire an inspector and demonstrate that the unit is lead-safe (including dust testing).
- 484 of 537 violations filed in the first four years resulted in corrective action.
- Providence created a separate division of housing court to address lead violations; there was significant decline in blood lead levels in Providence in years coinciding with the implementation of the permitting requirement and the lead docket.

Other Best Practices

- National Healthy Housing Standard:
 - Model code: provides that lead levels at or above federal regulatory levels are defined as hazards and must be remediated. Painted surface must remain intact and deteriorated paint must be repaired with lead-safe practices and cleared with dust testing.
- New York City and Omaha, NE: undertake abatement if owner refuses and then bill them.
- Washington, DC: require dust testing whenever a pre-78 unit is about to be occupied by a pregnant woman or child under six.
- Many federally assisted housing programs require paint and dust testing.

State Requirements

- **Michigan Lead Abatement Act**
 - Consistent with EPA lead abatement regulations, but does not address how housing codes are related to lead-based paint hazards.
 - Should directly address the situation where building improvements could generate lead-based paint hazards.
 - Michigan does have requirements to make rental units lead-safe, but these do not appear to be integrated with the State Housing Code.

State Requirements

- **Statewide Housing Regulations**

- Includes only general language regarding exemption of routine building maintenance or improvements; no descriptions of how housing codes interact with lead abatement requirements.
- Only covers deteriorated paint in a general way.
- Existing regulatory framework is focused on reacting to children with elevated blood lead levels, not taking action to prevent exposure.

State Recommendations

Regulatory

- Update housing laws and regulations to define lead-based paint as a “nuisance” and therefore should be remediated.
- State enforcement of EPA Renovation Repair Painting Rule (RRP).
- Update elevated blood lead level definition to 5 µg/dL, the CDC reference value.
- Adopt the recent HUD guidelines on allowable levels of lead dust following remediation.

Other

- Train and certify housing code inspectors to conduct measurements of lead in paint, dust, and soil.
- Increase public education and financial assistance to property owners.
- Engage the public to comment on proposed changes to the State’s housing and health laws and regulations.
- Institutionalize technical assistance for local jurisdictions.
- Evaluate the recent Medicaid/CHIP amendments and promote healthcare and other investment in lead-safe homes.

Observations Across Cities

Attributes	Battle Creek	Grand Rapids	Detroit	Flint
Proactive rental inspections	✓	✓	↗	↗
Loose paint violation	✓	✓	✓	✓
Observed engagement between govt and community/other partners	✓	✓		✓
Lead testing required			↗	
Additional resources available (such as CHIP money, HUD grant)	✓	✓	✓	✓

Key:

✓ = in place

↗ = in progress

Local Recommendations: Code Language

- **Option One**

- Require testing of deteriorated paint to determine if it is a lead hazard, either on-site with an XRF or lab paint chips (most paint even in older housing is not in fact lead-based paint).

- **Option Two**

- Require dust testing even when paint is intact.

- **Option Three**

- Require lead risk assessments for all older properties.

- **All options would include required remediation of identified hazards and clearance dust testing.**

Local Recommendations: Staffing (example)

- Grand Rapids currently has 18 housing code inspectors budgeted and about 30,000 rental units built before 1978.
- If the city were to test paint/dust in all the pre-78 units, about 7.5 additional inspectors would need to be hired.
- Another option would be to use private inspectors, as Detroit and others have done, with city oversight.

Recommendations: Training

- Code inspectors in Rochester and other places are cross-trained to be able to identify both lead hazards and housing code violations.
- Training to collect lead paint/dust samples under Michigan certification law typically takes two days.
- Other training that may be needed:
 - Lead hazard awareness for supervisors, city attorneys, and administrative law judges.
 - Training for health department case workers to coordinate with the code department.
 - Healthy homes best practices for code inspectors.
 - “Soft skills” for code inspectors who may interact often with tenants and landlords from various cultural backgrounds.

Recommendations: Implementation

- Many cities are already in a good position to involve the community in the implementation of code changes. Considerations for this process include:
 - Including community members in the development of policy.
 - Implementing holistic strategies.
 - Developing awareness campaigns on compliance.
 - Prioritizing resources to areas with the highest prevalence of lead-poisoned children.
 - Protecting tenants during remediation.
 - Others

Costs and Benefits

- Costs should be calculated, once agreement is reached on which approach is most viable
- Some costs dependent on scale (e.g., in Rochester dust wipe samples are now \$3/sample)
- Costs can be phased in, starting perhaps with highest risk areas first
- Helping housing providers financially & programmatically
- Benefits—for each \$1 invested, we get back \$1.39

Conclusion: Using Housing Code to Prevent Lead Poisoning Presents Opportunities



Structural

- Ending the divide between housing and public health
- The benefits of a “health in all policies” approach
- Active engagement of the city’s philanthropic institutions and private sector
- Explanation of how existing resources can be used to help landlords comply



Health

- Taking action before children are harmed, instead of only reacting after the harm has been done
- Aggressively addressing health equity



Economic

- Potential for new job creation
- The costs of proactive code inspections are less than the societal costs of lead poisoning
- Reducing the prospect of unanticipated housing repairs and avoidable litigation for landlords
- Stop shifting the costs of lead poisoning to our medical, educational, and criminal justice institutions.



Housing

- Building public trust in democratic institutions to address preventable diseases such as childhood lead poisoning
- Establishing a high standard for Grand Rapids’ housing infrastructure, ensuring that affordable housing meets the same minimum but safe standards as other housing

Discussion

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National Center for **HEALTHY HOUSING**