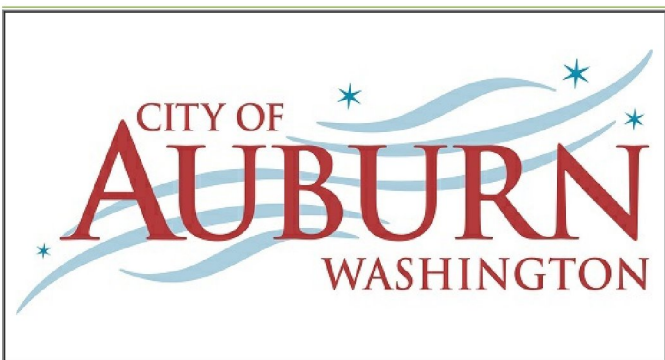


	City Council Meeting December 16, 2019 - 7:00 PM City Hall Council Chambers AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

- A. **Pledge of Allegiance**
- B. **Roll Call**

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

- A. Financial Literacy Week Proclamation (Auburn Mountainview High School)
Mayor Backus to proclaim December 16-20, 2019 as "Financial Literacy Week" in the city of Auburn.

III. APPOINTMENTS

- A. Reappointment to Boards & Commissions
City Council to reappoint David Jensen to serve a new three-year term on the Transportation Advisory Board. His term will expire on December 31, 2022

IV. AGENDA MODIFICATIONS

V. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

- A. **Public Hearings - (No public hearing is scheduled for this evening.)**
- B. **Audience Participation**

This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

- C. **Correspondence - (There is no correspondence for Council review.)**

VI. COUNCIL AD HOC COMMITTEE REPORTS

Council Ad Hoc Committee Chairs may report on the status of their ad hoc Council Committees' progress on assigned tasks and may give their recommendation to the City Council, if any.

- 1. Finance Ad Hoc Committee (Chair Wales)

VII. **CONSENT AGENDA**

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

- A. Minutes of the November 25, 2019 Study Session
- B. Minutes of the December 2, 2019 Regular Council Meeting
- C. Claim Vouchers (Thomas)
Claim vouchers list dated December 16, 2019 which includes voucher numbers 456581 through 456747 in the amount of \$5,249,647.82 and six wire transfers in the amount of \$634,784.14
- D. Payroll Vouchers (Thomas)
Payroll check numbers 538757 through 538773 in the amount of \$245,222.28, electronic deposit transmissions in the amount of \$2,230,163.20 for a grand total of \$2,475,385.48 for the period covering November 26, 2019 to December 11, 2019

(RECOMMENDED ACTION: Move to approve the Consent Agenda.)

VIII. **UNFINISHED BUSINESS**

IX. **NEW BUSINESS**

- A. 2020 Deputy Mayor Selection
City Council to nominate and select a Councilmember to serve as Deputy Mayor for 2020.

X. **ORDINANCES**

- A. Ordinance No. 6731 (Gaub)
An Ordinance authorizing the renewal of Ordinance No. 6555, with amendments, for Astound Broadband, LLC, Franchise Agreement No. FRN19-0015, for a Telecommunications System

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6731.)

- B. Ordinance No. 6740 (O'Neil)
An Ordinance updating Auburn City Code to remove breed specific language consistent with Chapter 16.08 RCW and allow certain exemptions based on approved obedience training certification

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6740.)

- C. Ordinance No. 6744 (Tate)
An Ordinance relating to property maintenance, and amending Title 15 of the Auburn City Code

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6744.)

- D. Ordinance No. 6755 (Tate)
An Ordinance revising business license inspections, modifying rental housing oversight, adding license revocation criteria, and amending Chapters 1.20, 5.15 and 5.22 of the Auburn City Code

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6755.)

XI. RESOLUTIONS

- A. Resolution No. 5475 (Hinman)
A Resolution adopting the 2020 State and Federal Legislative Agendas
- B. Resolution No. 5476 (Tate)
A Resolution Authorizing the transfer of funds collected under the provisions of Washington State House Bill 1406 and Ordinance No. 6732 to the South King Housing and Homelessness Partners (SKHHP)

(RECOMMENDED ACTION: Move to adopt Resolution No. 5476.)

- C. Resolution No. 5477 (Gaub)
A Resolution authorizing a letter in support of King County Metro's Locally Preferred Alternative for the RapidRide I Line

(RECOMMENDED ACTION: Move to adopt Resolution No. 5477.)

- D. Resolution No. 5478 (Gaub)
A Resolution authorizing a letter in support of King County Metro's proposed transit service changes

(RECOMMENDED ACTION: Move to adopt Resolution No. 5478.)

- E. Resolution No. 5479 (Tate)
A Resolution establishing a 2020 Human Services Work Plan

(RECOMMENDED ACTION: Move to adopt Resolution No. 5479.)

- F. Resolution No. 5480 (Hinman)
A Resolution authorizing an airport office lease with Skyline Leasing LLC

(RECOMMENDED ACTION: Move to adopt Resolution No. 5480.)

- G. Resolution No. 5482 (Hinman)
A Resolution amending a previously-approved lease term related to the Auburn Consolidated Resource Center

(RECOMMENDED ACTION: Move to adopt Resolution No. 5482.)

XII. MAYOR AND COUNCILMEMBER REPORTS

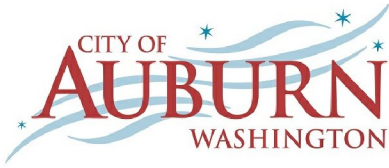
At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. From the Council

B. From the Mayor

XIII. ADJOURNMENT

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.aubumwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the November 25, 2019 Study Session

Department:

City Council

Attachments:

[11-25-2019 Minutes](#)

Date:

December 9, 2019

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

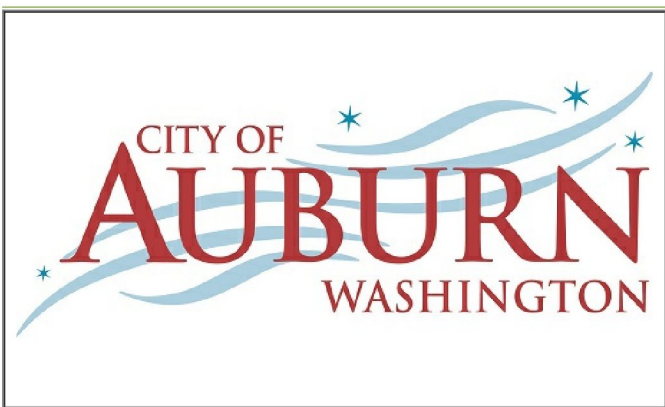
Revised Budget: \$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: December 16, 2019

Staff:

Item Number: CA.A

	City Council Study Session Muni Services SFA November 25, 2019 - 5:30 PM City Hall Council Chambers AGENDA Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

Councilmember Brown called the meeting to order at 5:31 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street in Auburn.

A. Roll Call

Councilmembers present: Larry Brown, Claude DaCorsi, John Holman, Yolanda Trout-Manuel and Largo Wales. Deputy Mayor Bill Peloza and Councilmember Bob Baggett were excused.

Mayor Nancy Backus and the following department directors and staff members were present: Assistant City Attorney Doug Ruth, Director of Finance Jamie Thomas, Director of Human Resources & Risk Management Candis Martinson, Director of Public Works Ingrid Gaub, Director of Community Development Jeff Tate, Director of Parks, Arts, and Recreation Daryl Faber, Director of Administration Dana Hinman, Assistant Director of Engineering Jacob Sweeting, Planning Services Manager Jeff Dixon, Senior Planner Anthony Avery, Right-of-Way Specialist Amber Price, Senior Transportation Planner Cecile Malik, Chief City Prosecutor Harry Boesche, Assistant Finance Director Kevin Fuhrer, Real Property Analyst Josh Arndt, Airport Manager Tim Mensonides, Police Commander Daniel O'Neil, Assistant Police Chief Mark Callier, and Deputy City Clerk Teresa Mattingly.

II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

There were no announcements, reports or presentations.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. King County Metro Presentation of Mobility Plan and Service Changes (Gaub)(15 Minutes)

Planner Malik introduced Natalie Westford and Jeremy Victor from King County Metro who presented Council with an update on the Renton, Kent, Auburn Area Mobility Plan. They discussed the proposed changes to the transit services in Auburn, the RapidRide I Line, community engagement, mobility needs, bus routes, next steps and requested a letter of support

from the City of Auburn for the proposed changes.

Council discussed the potential impacts that Initiative 976 may have on King County Metro and was in consensus with providing a letter of support.

- B. King County Metro Presentation of RapidRide I Line Preferred Alignment and Progress (Gaub)(15 Minutes)

Planner Malik introduced RapidRide Program Director Hannah McIntosh and I Line Project Manager Greg McKnight from King County Metro, who presented Council with an update on the RapidRide I Line project. They discussed the needs and benefits of the I Line, budget, routes, community engagement, passenger facilities and amenities, next steps and requested a letter of support for the proposed changes from the City of Auburn.

Council discussed providing a letter of support.

- C. Ordinance No. 6753 (Gross)(5 Minutes)

Making penalties for drug crimes consistent with state law, and amending sections 9.22.010 and 9.22.020 of the Auburn City Code

City Prosecutor Boesche presented Council with information on making penalties for drug crimes consistent with state law.

- D. Ordinance No. 6745 (Tate)(10 Minutes)

Amending sections 19.02.115, 19.02.120, 19.02.130 and 19.02.140 of the Auburn City Code relating to school impact fees

Manager Dixon and Planner Avery presented Council with an update on the 2020 School Impact Fees. Planner Avery discussed how the fees are accessed, the goal to match Pierce County School Impact fees and the recommended fees for single family and multifamily dwellings.

- E. Ordinance No. 6746 (Tate)(15 Minutes)

Adopting 2019 Annual Comprehensive Plan Map and Text Amendments, and adopting corresponding rezones related to certain map amendments

Planner Avery presented Council with the 2019 Comprehensive Plan Annual Amendments and provided an overview of the Comprehensive Plan, the types of amendments that can be made, this year's docket and next steps.

- F. Ordinance No. 6749 (Tate)(5 Minutes)

Removing administrative fees from City Code, and amending section 5.20.030 of the Auburn City Code

Director Tate presented Council with information on removing administrative fees from the Auburn City Code and the benefits of placing them in the City's master fee schedule.

G. Ordinance No. 6731 (Gaub)(5 Minutes)

Renewal of a franchise for Astound Broadband, LLC, with amendments

Specialist Price presented Council with an update on the proposed renewal of Franchise Agreement No. FRN19-0015 with Astound Broadband, LLC for an additional five year period.

H. ADA Transition Plan (Gaub)(10 Minutes)

Assistant Director Sweeting and Planner Malik provided Council with an overview of the Americans with Disabilities Act (ADA) Transition Plan and discussed the program goals, level of ADA compliance, ADA criteria for ramps, types of pedestrian crossings, existing and new policies, the plan to achieve full ADA compliance and next steps.

I. 3rd Quarter 2019 Financial Report (Thomas)(15 Minutes)

Councilmember Brown called for a 5 minute recess at 6:55 p.m. The meeting reconvened at 7:00 p.m.

Director Thomas reviewed the 3rd Quarter 2019 Financial Report and discussed the General Fund Revenue, primary revenue sources and expenditures by department.

J. Ordinance No. 6751 (Thomas)(15 Minutes)

Authorizing amendments to the City of Auburn 2019-2020 budget

Director Thomas reviewed Budget Amendment No. 5 to the 2019-2020 budget and discussed proposed changes, realigning revenue sources, capital project budgets and adjusting the 2020 beginning fund balance.

K. Ordinance No. 6752 (Thomas)(10 Minutes)

Authorizing amendment to the City of Auburn 2019-2020 budget

Director Thomas reviewed Budget Amendment No. 4 for the 2019-2020 budget and discussed project funding requests, the 2020 ending fund balances, and next steps.

L. Resolution No. 5463 (Hinman)(5 Minutes)

Authorizing the Mayor to execute amendments to certain Auburn Municipal Airport land leases relating to the implementation of the 2020 fair market value lease rate adjustment

Analyst Arndt and Airport Manager Tim Mensonides presented Council with an update on the six land leases that are subject to a Fair Market Value adjustment in 2020 at the Auburn Municipal Airport. Analyst Arndt discussed the proposed step increase and the impact it will have on individual tenants at the Auburn Municipal Airport.

Council confirmed that the tenants have been advised of the rate increase and when it will go into effect.

M. Resolution No. 5474 (Hinman)(5 Minutes)

Endorsing the Sound Cities Association 2020 State Legislative Agenda

Director Hinman presented Council with an update on endorsing the Sound Cities Association 2020 State Legislative Agenda.

Council discussed the importance of expanding the Housing Trust Fund.

N. Resolution No. 5475 (Hinman)(10 Minutes)

Adopting the 2020 State and Federal Legislative Agendas

Director Hinman reviewed the 2020 State and Federal Legislative Agenda and discussed legislative priorities including; streamline sales tax mitigation, condo law reform, strengthening the state public records act, SCORE reimbursements, and local infrastructure investments.

Council discussed the State Legislative Priorities, public safety, SCORE funding, affordable housing and the importance of advocating for Auburn's needs.

IV. MUNICIPAL SERVICES DISCUSSION ITEMS

A. AVHS Board Update (Thomas)(10 Minutes)

AVHS Board Update

Assistant Director Fuhrer provided Council with an update on the Auburn Valley Human Society and discussed total animal intakes and outcomes, pet licensing, and fund raising events.

B. 2019 Fireworks Update (Pierson)(15 Minutes)

Commander O'Neil and Assistant Chief Caillier presented Council with an update on fireworks and discussed the difference between infractions and citations, times when fireworks can be sold and discharged, fireworks ban versus state law, challenges to arrest, prosecution and enforcement, what neighboring cities do and 2020 recommendations.

Council confirmed that Auburn is the only City with a reservation in their jurisdiction and discussed the difference between a civil and criminal infraction and the option of being able to issue an infraction or a citation.

C. Resolution No. 5473 (Faber)(10 Minutes)

Naming of two Public Parks in the Kersey 3 Development of the City of Auburn

Director Faber presented Council with an update on naming two public parks in the Kersey 3 Development to "Evergreen" and "Edgeview Park".

V. OTHER DISCUSSION ITEMS

There was no other discussion items.

VI. NEW BUSINESS

There was no new business.

VII. MATRIX

A. Matrix

No changes were made to the Matrix.

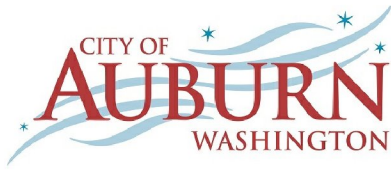
VIII. ADJOURNMENT

There being no further discussion, the meeting was adjourned at 8:19 p.m.

APPROVED this 16th day of December, 2019.

BILL PELOZA, DEPUTY MAYOR Teresa Mattingly, Deputy City Clerk

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the December 2, 2019 Regular Council Meeting

Department:

City Council

Attachments:

[12-02-2019 Minutes](#)

Date:

December 9, 2019

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

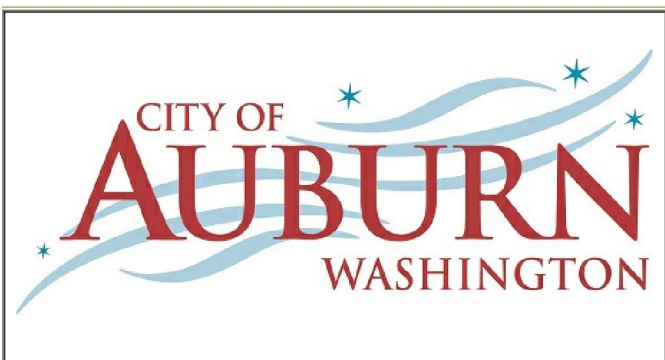
Revised Budget: \$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: December 16, 2019

Staff:

Item Number: CA.B

	City Council Meeting December 2, 2019 - 7:00 PM City Hall Council Chambers MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

A. Pledge of Allegiance

Mayor Nancy Backus called the meeting to order at 7:00 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street in Auburn and led those in attendance in the Pledge of Allegiance.

B. Roll Call

Councilmembers present: Deputy Mayor Bill Peloza, Claude DaCorsi, John Holman, and Largo Wales. Councilmembers Bob Baggett, Larry Brown and Yolanda Trout-Manuel were excused.

Mayor Nancy Backus and the following department directors and staff members were present: City Attorney Steve Gross, Director of Innovation & Technology David Travis, Director of Public Works Ingrid Gaub, Director of Community Development Jeff Tate, Commander Dave Colglazier, and City Clerk Shawn Campbell.

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

There were no announcements, reports or presentations.

III. APPOINTMENTS

A. Reappointments to Boards & Commissions

City Council to reappointment the following boards and commissions members. All appointees will serve a new three-year term to expire on December 31, 2022.

Airport Board

Deanna Clark

Arts Commission

Greg Watson

Lodging Tax Advisory Committee

Bob Fraser

Christian Faltenberger

Tourism Board

Ronnie Roberts
Malia Dale

BIA Rate Payer Committee

Giovanni DiQuattro

Cemetery Board

Warren Olson
Robert Rakos
Judi Roland

Human Services

Barbara Derda

Parks & Recreation Board

Lisa Russell
Bailey Stober

Planning Commission

Joan Mason

Salary Commission

Ronnie Beyersdorf

Transportation Advisory Board

Dennis Grad

Urban Tree Board

James Tourangeau
Brooksie Hall

Councilmember Wales moved and Councilmember Holman seconded to appoint Deanna Clark to the Airport Board, Greg Watson to the Arts Commission, Bob Fraser and Christian Faltenberger to the Lodging Tax Advisory Committee, Ronnie Roberts and Malia Dale to the Tourism Board, Giovanni DiQuattro to the BIA Rate Payer Committee, Warren Olson, Robert Rakos and Judi Roland to the Cemetery Board, Barbara Derda to the Human Services Committee, Lisa Russell and Bailey Stober to the Parks and Recreation Board, Joan Mason to the Planning Commission, Ronnie Beyersdorf to the Salary Commission, Dennis Grad to the Transportation Advisory Board and James Tourangeau and Brooksie Hall to the Urban Tree Board for a three-year term to expire December 31, 2022.

MOTION CARRIED UNANIMOUSLY. 4-0

IV. AGENDA MODIFICATIONS

There were no modifications to the agenda.

V. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. Public Hearings

1. Public Hearing for Mid-Biennial Review and Modification of the 2019-2020 Biennial Budget (Thomas)

City Council to hold a public hearing to receive public comments and suggestions with regard to the proposed modifications to the 2019-2020 Biennial Budget

Bob Zimmerman, 33029 46th Place South, Auburn

Mr. Zimmerman suggested contracting the City's inspection services with a third party inspection company and a savings account for future lawsuits.

Virginia Haugen, 2503 R Street South East, Auburn

Ms. Haugen suggested the City Council stop participating in the Sister Cites program.

2. Public Hearing for Franchise Agreement No. FRN19-0015 (Gaub)

City Council to hold a public hearing in consideration of renewing Franchise Agreement No. FRN19-0015

Mayor Backus opened the public hearing at 7:08 pm, no one came forward to speak, the public hearing was closed.

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

Bob Zimmerman, 33029 46th Place South, Auburn

Mr. Zimmerman shared his concerns for structures in his neighborhood.

Jason Berry, 1620 Perimeter Road South West, Auburn

Mr. Berry spoke about a funding request for the Auburn YMCA.

Virginia Haugen, 2503 R Street South East, Auburn

Ms. Haugen thanked outgoing Councilmembers. She suggested going back to the Council Committee System.

C. Correspondence

There was no correspondence for Council to review.

VI. COUNCIL AD HOC COMMITTEE REPORTS

Council Ad Hoc Committee Chairs may report on the status of their ad hoc Council Committees' progress on assigned tasks and may give their recommendation to the City Council, if any.

1. Finance Ad Hoc Committee (Chair Wales)

Councilmember Wales, Chair of the Finance ad hoc committee, reported she and Councilmember DaCorsi have reviewed the claims and payroll vouchers described on the Consent Agenda this evening and recommended their approval.

VII. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

A. Minutes of the November 18, 2019 Regular Council Meeting

B. Claim Vouchers (Thomas)

Claim vouchers list dated December 2, 2019 which includes voucher numbers 456435 through 456580, in the amount of \$1,637,003.08 and two wire transfers in the amount of \$167,882.42

C. Payroll Vouchers (Thomas)

Payroll check numbers 538689 through 538756 in the amount of \$676,138.03, electronic deposit transmissions in the amount of \$2,124,975.28 for a grand total of \$2,801,113.31 for the period covering November 14, 2019 to November 26, 2019

D. 2020 Annual On-Call Agreements (Gaub)

Deputy Mayor Peloza moved and Councilmember Holman seconded to approve the consent agenda.

MOTION CARRIED UNANIMOUSLY. 4-0

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. NEW BUSINESS

There was no new business.

X. ORDINANCES

A. Ordinance No. 6746 (Tate)

An Ordinance adopting 2019 Annual Comprehensive Plan Map and Text Amendments, and adopting corresponding rezones related to certain map amendments

Councilmember Wales moved and Councilmember DaCorsi seconded to adopt Ordinance No. 6746.

MOTION CARRIED UNANIMOUSLY. 4-0

B. Ordinance No. 6745 (Tate)

An Ordinance updating school impacts fees, and amending Chapter 19.02 of the Auburn City Code

Councilmember Wales moved and Councilmember Holman seconded to adopt Ordinance No. 6745.

MOTION CARRIED UNANIMOUSLY. 4-0

C. Ordinance No. 6749 (Tate)

An Ordinance removing administrative fees from City Code, and amending section 5.20.030 of the Auburn City Code

Councilmember DaCorsi moved and Councilmember Holman seconded to adopt Ordinance No. 6749.

MOTION CARRIED UNANIMOUSLY. 4-0

D. Ordinance No. 6751 (Thomas)

An Ordinance authorizing amendments to the City of Auburn 2019-2020 budget

Councilmember Wales moved and Councilmember Holman seconded to adopt Ordinance No. 6751.

MOTION CARRIED UNANIMOUSLY. 4-0

E. Ordinance No. 6752 (Thomas)

An Ordinance authorizing amendments to the City of Auburn 2019-2020 budget

Councilmember Wales moved and Councilmember Holman seconded to adopt Ordinance No. 6752.

MOTION CARRIED UNANIMOUSLY. 4-0

F. Ordinance No. 6753 (Gross)

An Ordinance making penalties for drug crimes consistent with state law, and amending sections 9.22.010 and 9.22.020 of the Auburn City Code

Deputy Mayor Peloza moved and Councilmember DaCorsi seconded to adopt Ordinance No. 6753.

MOTION CARRIED UNANIMOUSLY. 4-0

XI. RESOLUTIONS

A. Resolution No. 5463 (Hinman)

A Resolution authorizing amendments to Auburn Municipal Airport land leases relating to the 2020 fair market value lease rate adjustment

Councilmember Wales moved and Councilmember DaCorsi seconded to adopt Resolution No. 5463.

MOTION CARRIED UNANIMOUSLY. 4-0

B. Resolution No. 5470 (Gross)

A Resolution amending the Fee Schedule for 2020 Fees

Councilmember Holman moved and Councilmember Wales seconded to adopt Resolution No. 5470.

MOTION CARRIED UNANIMOUSLY. 4-0

C. Resolution No. 5472 (Tate)

A Resolution endorsing use of the 2020 Valley Regional Fire Authority Fee Schedule as adopted by the VRFA Board of Governance

Deputy Mayor Peloza moved and Councilmember Wales seconded to adopt Resolution No. 5472.

MOTION CARRIED UNANIMOUSLY. 4-0

D. Resolution No. 5473 (Faber)

A Resolution naming two Public Parks in the Kersey 3 Development of the City of Auburn

Councilmember DaCorsi moved and Councilmember Wales seconded to adopt Resolution No. 5473.

MOTION CARRIED UNANIMOUSLY. 4-0

E. Resolution No. 5474 (Hinman)

A Resolution endorsing the Sound Cities Association 2020 State Legislative Agenda

Councilmember Holman moved and Councilmember Wales seconded to adopt Resolution No. 5474.

MOTION CARRIED UNANIMOUSLY. 4-0

XII. MAYOR AND COUNCILMEMBER REPORTS

At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. From the Council

Deputy Mayor Peloza reported he attended an Eagle Scout Court of Honor.

Councilmember DaCorsi attended the King County Regional Transit Committee meeting.

B. From the Mayor

Mayor Backus reminded the audience about the Santa Parade on Saturday, December 7, 2019.

XIII. EXECUTIVE SESSION

There was no executive session.

XIV. ADJOURNMENT

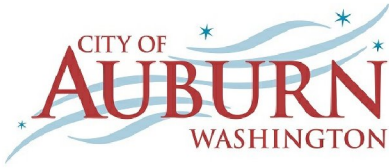
There being no further business to come before the Council, the meeting was adjourned at 7:36 p.m.

APPROVED this 16th day of December, 2019.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

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AGENDA BILL APPROVAL FORM

Agenda Subject:

Claim Vouchers (Thomas)

Date:

December 10, 2019

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Claim Vouchers

Background Summary:

Claim vouchers list dated December 16, 2019 which includes voucher numbers 456581 through 456747 in the amount of \$5,249,647.82 and six wire transfers in the amount of \$634,784.14.

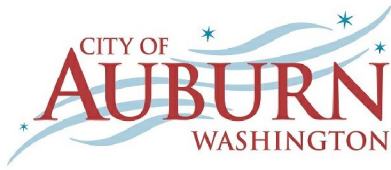
Reviewed by Council Committees:**Councilmember:****Staff:**

Thomas

Meeting Date: December 16, 2019

Item Number:

CA.C



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Vouchers (Thomas)

Date:

December 10, 2019

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Payroll Vouchers

Background Summary:

Payroll check numbers 538757 through 538773 in the amount of \$245,222.28, electronic deposit transmissions in the amount of \$2,230,163.20 for a grand total of \$2,475,385.48 for the period covering November 26, 2019 to December 11, 2019.

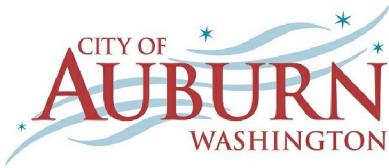
Reviewed by Council Committees:**Councilmember:****Staff:**

Thomas

Meeting Date: December 16, 2019

Item Number:

CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6731 (Gaub)

Date:

November 18, 2019

Department:

Public Works

Attachments:

[Ordinance No. 6731](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council adopt Ordinance No. 6731 for renewal of Franchise Agreement No. FRN19-0015 for Astound Broadband, LLC.

Background Summary:

Per Auburn City Code 20.06.130 and Section 3 of the existing Franchise Agreement, Ordinance No. 6555, the Grantee may renew this Franchise for an additional five year period upon submission and approval of the application specified under ACC 20.06.130.

Astound Broadband, LLC has applied for renewal and amendment to their existing Franchise Agreement to continue to operate within the City's rights of way a telecommunications system throughout the City. During review of the existing Franchise Agreement the City determined that minor amendments to the Agreement were needed to update Astound's contact information, the Franchise Number, and make minor amendments to the language consistent with the City's current standard language for franchise agreements. The applicant is currently in compliance with all licensing, bonding and insurance requirements of the existing Franchise Agreement and Auburn City Code. Any construction, maintenance, improvements or changes to Astound's facilities are managed through the City's permitting processes that are a requirement of the existing Franchise Agreement.

Approval of Ordinance No. 6731 would renew Franchise Agreement No. FRN19-0015 for an additional five years from the effective date of Ordinance No. 6731 and amend Ordinance No. 6555 to update Astound's contact address and the Franchise Number.

Reviewed by Council Committees:**Councilmember:****Staff:**

Gaub

Meeting Date: December 16, 2019

Item Number:

ORD.A

ORDINANCE NO. 6731

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE RENEWAL OF ORDINANCE NO. 6555, WITH AMENDMENTS, FOR ASTOUND BROADBAND, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, FRANCHISE AGREEMENT NO. FRN19-0015, FOR A TELECOMMUNICATIONS SYSTEM

WHEREAS, on March 16, 2015, the City Council adopted Ordinance No. 6555, granting a telecommunications franchise to Astound Broadband, LLC; and

WHEREAS, Astound Broadband, LLC wishes to renew said Franchise Agreement for an additional five-year term; and

WHEREAS, the City has changed permitting and tracking systems for such agreements and Franchise Agreement No. 14-51 has an updated system identification number: FRN19-0015 for Astound Broadband LLC; and

WHEREAS, following proper notice, the City Council held a public hearing on Astound Broadband, LLC's request for renewal of Ordinance No. 6555, at which time representatives of Astound Broadband, LLC and interested residents were heard in a full public proceeding affording opportunity for comment by any and all persons desiring to be heard; and

WHEREAS, based upon the foregoing recital clauses and from information presented at such public hearing and from facts and circumstances developed or discovered through independent study and investigation, the City Council now deems it appropriate and in the best interest of the City that the renewal of Ordinance No. 6555 be granted to Astound Broadband, LLC.

Ordinance No. 6731
Franchise Agreement No. FRN19-0015 Renewal (Former Franchise Agreement No. 14-51)
October 21, 2019
Page 1 of 7

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN,
WASHINGTON, DO ORDAIN as follows:

Section 1. Renewal. The City approves Astound Broadband, LLC's application for renewal for one five-year period as provided for in Section 3 of Ordinance No. 6555, under the conditions set forth in this Ordinance. Such five-year renewal period shall commence on the effective date of this Ordinance.

Section 2. Amendments to Ordinance No. 6555. Section 2, Paragraph A. of Ordinance No. 6555 regarding Grantee contact information is amended as follows;

Grantee: ~~Jim Penney~~
~~Executive Vice President, Business and Legal Affairs~~
~~Astound Broadband, LLC~~
~~401 Kirkland Parkplace, Suite 500~~
~~Kirkland, WA 98033~~
~~Telephone: (425) 896-1891~~
~~Fax: (425) 896-1911~~

Joseph Kahl
Vice President, Regulatory and Public Affairs
Astound Broadband, LLC
650 College Road East, Suite 3100
Princeton, NJ 08540
Telephone: (609) 681-2184
Email: joseph.kahl@rcn.net

Section 7. Repair and Emergency of Ordinance No. 6555 is amended as follows:

In the event of an emergency, the Grantee may commence such repair and emergency response work as required under the circumstances, provided that the

Grantee shall notify the City ~~Engineering Aide~~ in writing as promptly as possible, before such repair or emergency work commences, or as soon thereafter as possible, if advance notice is not practical. The City may act, at any time, without prior written notice in the case of emergency, but shall notify the Grantee in writing as promptly as possible under the circumstances.

Section 10. Grantee Information, Paragraph A of Ordinance No. 6555 is amended as follows;

A. Grantee agrees to supply, at no cost to the City, any information reasonably requested by the City Engineering Aide to coordinate municipal functions with Grantee's activities and fulfill any municipal obligations under state law. Said information shall include, at a minimum, as-built drawings of Grantee Facilities, installation inventory, and maps and plans showing the location of existing or planned facilities within the City. Said information may be requested either in hard copy or electronic format, compatible with the City's data base system, as now or hereinafter existing, including the City's ~~g~~Geographic Information Service (GIS) data base. Grantee shall keep the City ~~Engineering Aide~~ informed of its long-range plans for coordination with the City's long range plans.

Section 14. Indemnification and Hold Harmless, Paragraph B of Ordinance No. 6555 are amended as follows;

B. The Grantee shall hold the City harmless from any liability arising out of or in connection with any damage or loss to the Grantee Facilities caused by

maintenance and/or construction work performed by, or on behalf of, the City within the Franchise Area or any other City road, right-of-way, or other property, except to the extent any such damage or loss is directly caused by the sole negligence or willful misconduct of the City, or its agent performing such work.

Section 15. Insurance, Paragraphs A 2 and F of Ordinance No. 6555 are amended as follows;

A. 2. Commercial General Liability insurance with limits no less than \$1,000,000.00 each occurrence, \$2,000,000.00 general aggregate and a \$2,000,000.00 products-completed operations aggregate limit. Coverage shall be ~~written on~~ at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractor, products-completed operations, stop gap liability, and personal injury and advertising injury and liability assumed under an insured contract. The commercial General Liability insurance shall be endorsed to provide the Aggregate Per Project Endorsement ISO form CG 25 03 11 85. There shall be no endorsement or modification of the Commercial General Liability insurance for liability arising from explosion, collapse, or underground property damage. The City shall be named as an additional insured under the Grantee's Commercial General Liability insurance policy with respect to the work performed under this Franchise using ISO Additional Insured Endorsement CG 20 10 10 01 and Additional Insured-

Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing equivalent coverage.

F. Grantees maintenance of insurance its scope of coverage and limits as required by this Franchise shall not be construed to limit the liability of Grantee to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy to which the City is otherwise entitled at law or in equity.

Section 3. Astound Broadband, LLC shall, within thirty (30) days after the effective date of this Ordinance, file with the City, a fully executed Statement of Acceptance of this Ordinance, which written acceptance shall be Exhibit A, attached and incorporated by this this reference.

Section 4. This Ordinance shall supersede Ordinance No. 6555 to the extent that it contains terms and conditions that change, modify, delete, add to, supplement or otherwise amend the terms and conditions of Ordinance No. 6555. All other provisions of Ordinance No. 6555 shall remain unchanged and in full force and effect.

Section 5. Implementation. The Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 6. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application

thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 7. **Effective date.** This Ordinance will take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney

Published: _____

EXHIBIT "A"

STATEMENT OF ACCEPTANCE

Astound Broadband, LLC., for itself, its successors and assigns, hereby accepts and agrees to be bound by all lawful terms, conditions and provisions of the Franchise Agreement, Ordinance No. 6555, incorporated herein by this reference as amended by Ordinance No. 6731.

Astound Broadband, LLC
650 College Road East, Suite 3100
Princeton, NJ 08540

By: _____ Date: _____
Name:
Title:

STATE OF _____)
_____)ss.
COUNTY OF _____)

On this ____ day of _____, 2019, before me the undersigned, a Notary Public in and for the State of _____, duly commissioned and sworn, personally appeared, _____ of _____, the company that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the date hereinabove set forth.

Signature

NOTARY PUBLIC in and for the State of _____,
residing at _____
MY COMMISSION EXPIRES: _____

Ordinance No. 6731
Franchise Agreement No. FRN19-0015 Renewal (Former Franchise Agreement No. 14-51)
October 21, 2019
Page 7 of 7



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6740 (O'Neil)

Department:

Police

Attachments:

[ORD 6740](#)

Date:

December 11, 2019

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6740.

Background Summary:

On April 30th, 2019, Governor Inslee signed HB 1026 prohibiting local cities and counties from using any breed specific language when declaring dogs as dangerous or potentially dangerous. It also allowed certain exemptions if a dog owner was shown to have complied with certain obedience/behavior training.

This change to RCW 16.08 is scheduled to go into effect on January 1, 2020, and would contradict current Auburn City Code. The proposed ordinance would align Auburn City Code with the requirements of RCW 16.08.

Reviewed by Council Committees:**Councilmember:****Staff:**

O'Neil

Meeting Date: December 16, 2019

Item Number: ORD.B

ORDINANCE NO. 6740

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 6.35.030 AND 6.35.035 OF THE AUBURN CITY CODE RELATING TO THE RESTRAINT AND REGISTRATION OF POTENTIALLY DANGEROUS DOGS

WHEREAS, on April 17, 2019, the Washington State Legislature passed House Bill 1026 prohibiting local jurisdictions from banning the possession of a breed-specific dogs, or declaring a dog dangerous or potentially dangerous based on its breed, unless certain criteria is met; and

WHEREAS, the state law becomes effective on January 1, 2020; and
WHEREAS, in order to comply with state law, it is appropriate remove the breed-specific language from the definition of “Potentially Dangerous Dog” from section 6.01.010 of the Auburn City Code; and

WHEREAS, it is also appropriate to appropriate to amend sections 6.35.030 and 6.35.035 of the Auburn City Code to allow exemptions to restraint and registration requirements for Potentially Dangerous Dogs if certain behavioral training conditions are met.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. Section 6.01.010 of the Auburn City Code is amended to read as follows:

6.01.010 Definitions.

A. As used in this title, the following terms shall have the following meanings:

...

25. "Potentially dangerous dog" means any dog that when unprovoked:

- a. Inflicts bites on a human or a domestic animal either on public or private property;
- b. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or domestic animals; or
- c. Is known or should reasonably have been known by its owner to have aggressively bitten, attacked, or endangered the safety of humans or domestic animals.

~~d. "Potentially dangerous dog" also means any dog that is known by the owner or should reasonably be known by the owner to be an Akita, American Pit Bull Terrier, American Staffordshire Terrier, Bull Terrier, Cane Corso, Dogo Argentino, Dogue de Bordeaux, Kuvasz, Pit Bull Terrier, Presa Canario, Staffordshire Bull Terrier or Tosa Inu, or any breed of dog, or any mix of dog breeds which contains as an element of its breeding the breed of Akita, American Pit Bull Terrier, American Staffordshire Terrier, Bull Terrier, Cane Corso, Dogo Argentino, Dogue de Bordeaux, Kuvasz, Pit Bull Terrier, Presa Canario, Staffordshire Bull Terrier or Tosa Inu, as to be identifiably of or partially of such breed(s), or dogs that have an appearance and physical characteristics that are substantially similar to dogs referred to above.~~

...

Section 2. Amendment to City Code. Section 6.35.030 of the Auburn City

Code is amended to read as follows:

6.35.030 Dangerous dogs and potentially dangerous dogs – Requirements for restraint.

A. It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure, as defined and described in ACC 6.01.010(A)(27), unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

B. It is unlawful for an owner of a potentially dangerous dog to permit the dog to be allowed or permitted to run free and unrestrained or off leash or not otherwise under physical restraint of a responsible person, unless within a fenced yard or similar restraint reasonably designed to prevent the dog from running free and unrestrained. It is provided, however, that the top of such fence shall be six feet in height as measured from the ground level, unless there is a secured top – full enclosure – to the fenced-in

area; and it is further provided, that such fence or enclosure area shall comply with all applicable city codes.

C. It is unlawful for an owner of a dangerous dog or a potentially dangerous dog to permit the dog to be walked outside the proper enclosure by anyone under the age of 16 years.

D. The owners of dangerous dogs and potentially dangerous dogs are responsible for taking all reasonable measures to assure that the dogs do not escape the above restraints, the failure of which responsibility shall constitute a violation of this chapter, punishable pursuant to ACC 6.35.040. The failure of the owner of a dangerous dog to comply with the requirements for dangerous dog registration shall also constitute a violation of this chapter, punishable pursuant to ACC 6.35.040. (Ord. 6424 § 4, 2012; Ord. 6304 § 1, 2010; Ord. 6244 § 3, 2009; Ord. 5996 § 1, 2006; Ord. 5829 § 1, 2004.)

E. The restraint requirements of this section do not apply if the owner provides proof to the city clerk that the dog passed the American kennel club good canine citizen test or a reasonably equivalent canine behavioral test as determined by the Police Chief or designee and the dog is exempt from such requirements for a period of two years from the date of the test.

Section 3. Amendment to City Code. Section 6.35.035 of the Auburn City

Code is amended to read as follows:

6.35.035 Registration of potentially dangerous dogs.

In addition to the dog licensing requirements as set forth in Chapter 6.04 ACC, the owners of potentially dangerous dogs, as defined herein, shall file with the city clerk a notice of potentially dangerous dog according to the form available from the city clerk. If the owner provides proof to the city clerk that the dog passed the American kennel club canine good citizen test or a reasonably equivalent canine behavioral test as determined by the Police Chief or designee, the licensing and notice requirements do not apply and the dog is exempt from such requirements for a period of two years from the date of the test. There shall be no fee charged for such potentially dangerous dog registration, other than as follows: the owner of a potentially dangerous dog that was previously found to be a potentially dangerous dog because: (A) while unprovoked, it attacked, bit, endangered or injured a human or a domestic animal; or (B) it has chased or approached a person upon a street, sidewalk, or public grounds in a menacing fashion, shall pay to the city a fee in the amount of \$100.00 per year for the registration of the potentially dangerous dog. Failure to comply with this provision shall constitute a violation of this chapter, punishable as a misdemeanor in accordance with ACC 9.02.040.

Section 4. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 5. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 6. Effective date. This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney

Published: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6744 (Tate)

Date:

December 10, 2019

Department:

Community Development

Attachments:

[Ordinance No. 6744](#)

[Ordinance No. 6744 Exhibit A - ACC Chapter 15.06](#)

[Ordinance No. 6744 Exhibit B - ACC Chapter 15.20](#)

[National Healthy Housing Standard](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6744 on December 16, 2019.

Background Summary:

On April 8, 2019, staff brought forward for discussion to City Council, an overview of multifamily housing programs that are already in place in Auburn, as well as programs that are in place in other cities. During the discussion, staff was asked about additional programs and how they might look in Auburn.

On August 12, 2019, staff returned to City Council with a presentation where additional programs were discussed. At the end of the presentation, staff made recommendations for an option that would work with the dynamic population of Auburn, and enhance the current Auburn City Codes, as well as the adopted International Property Maintenance Code, protect tenants and be fair to rental owners. The recommendations included, but were not limited to Adopting the National Healthy Housing Standards; and amendments to Title 15 of the Auburn City Code, which would support Healthy Housing Standards.

Draft Ordinance No. 6744 was presented to City Council at the December 9, 2019 Study Session.

Reviewed by Council Committees:

Councilmember: Trout-Manuel

Staff:

Tate

Meeting Date: December 16, 2019

Item Number:

ORD.C

ORDINANCE NO. 6744

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO PROPERTY MAINTENANCE, AND AMENDING TITLE 15 OF THE AUBURN CITY CODE

WHEREAS, all City of Auburn residents should live in safe, healthy house; and

WHEREAS, the City of Auburn seeks to promote a consistent baseline of housing conditions for all rental properties in order to ensure that tenants enjoy safe and healthy conditions; and

WHEREAS, the adoption of the National Healthy Housing Standards as guidelines will provide an additional tool to assist code compliance officers promote healthy housing for all Auburn residents; and

WHEREAS, the City Council requested that the Community Development Department explore code amendments pertaining to healthy housing; and

WHEREAS, the Auburn code references adoption of the International Property Maintenance Code, which the City adopted in 2016, in two chapters. Consolidation of those references into Chapter 15.06 will make the code clearer and more functional.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. That sections 15.06.010 and 15.06.020 of the Auburn City Code are amended to read as shown in Exhibit A of this ordinance.

Section 2. Recodification of Sections. That sections 15.20.010 through 15.20.077 of the Auburn City Code are recodified as part of Chapter 15.06 as shown in Exhibit A to this ordinance.

Section 3. Amendment to City Code. That Chapter 15.20 of the Auburn City Code is amended to read as shown in Exhibit B of this ordinance.

Section 4. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 5. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 6. Effective date. This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney

Published: _____

15.06.010 International codes and other standards adopted.

There is adopted by reference, upon the effective date of the ordinance codified in this chapter and upon filing with the city clerk one copy thereof, the following described chapters of the Washington Administrative Code, International Codes and standards, and Uniform Plumbing Code and standards together with appendix chapters, amendments, deletions and additions as set forth in this section or in the appropriate chapters in this code.

A. International Building Code Adopted. The 2015 Edition of the International Building Code, as published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-50 WAC, is adopted by reference with amendments, deletions and additions thereto as provided in Chapter 15.08A ACC, Building Code.

B. International Residential Code Adopted. The 2015 Edition of the International Residential Code, as published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-51 WAC, is adopted by reference, including Chapter 11, "Energy Efficiency," Chapters 25 through 33, "Plumbing," and Chapters 34 through 43, "Electrical."

C. International Mechanical Code Adopted. The 2015 Edition of the International Mechanical Code, as published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, is adopted by reference.

D. International Fire Code Adopted. The 2015 Edition of the International Fire Code, as published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-54A WAC, is adopted by reference with amendments, deletions and additions thereto as provided in Chapter 15.36A ACC, Fire Code.

E. National Fuel Gas Code (NFPA 54) Adopted. The 2015 Edition of ANSI Z223.1/NFPA 54 National Fuel Gas Code, as published by NFPA, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, is adopted by reference.

F. Liquefied Petroleum Gas Code (NFPA 58) Adopted. The 2015 Edition of the Liquefied Petroleum Gas Code, as published by NFPA, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, is adopted by reference.

G. International Fuel Gas Code Adopted. The 2015 Edition of the International Fuel Gas Code, as published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, is adopted by reference.

H. Uniform Plumbing Code Adopted. The 2015 Edition of the Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, as adopted and hereafter amended by the State Building Code Council in Chapter 51-56 WAC, is adopted by reference, including Chapter 12, "Fuel Piping," Chapter 15, "Firestop Protection," Appendix A, "Recommended Rules for Sizing the Water Supply System," Appendix B, "Explanatory Notes on Combination Waste and Vent Systems," Appendix C, "Alternate Plumbing Systems," Appendix I, "Installation Standards," and those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel-fired appliances as found in Chapter 5 and those portions of the code addressing building sewers.

I. International Energy Conservation Code Adopted. The 2015 Edition of the International Energy Conservation Code, as published by the International Code Council, as amended by the State Building Code Council in Chapters 51-11C and 51-11R WAC. The most current Washington State Energy Code as established under Chapter 19.27A RCW (most recently amended in 2012). The Washington State Energy Code, as adopted and hereafter amended by the State Building Code Council in Chapters 51-11C and 51-11R WAC, is adopted.

J. International Property Maintenance Code Adopted. The 2015 Edition of the International Property Maintenance Code, as published by the International Code Council, is adopted by reference subject to the following deletions, exceptions and conditions ~~of Chapter 15.20 AGC~~.

1. Code Official. For the purposes hereof, where the International Property Maintenance Code references the code official, that shall refer to and be construed to mean the building official as used in the city code. Unless the context clearly indicates otherwise, the terms "code official" and "building official" shall be synonymous.

2. Appendices Adopted. International Property Maintenance Code Appendix Chapter A, Boarding Standard, is hereby adopted. A copy of the International Property Maintenance Code Appendix Chapter A, Boarding Standard, shall be on file in the office of the city clerk.

3. Sections 103.1 and 103.5 amended. Sections 103.1 and 103.5 of the International Property Maintenance Code are amended to read as follows:

103.1 Department of property maintenance inspection. The department of community development is responsible for implementation and enforcement of the International Property Maintenance Code.

103.5 Fees. The fees for activities and services performed by the city in carrying out its responsibilities under this code, including hearings conducted by the hearing examiner, shall be as indicated in the City of Auburn Fee Schedule.

4. Sections 107.2 and 107.3 amended. Sections 107.2 and 107.3 of the International Property Maintenance Code are amended to read as follows:

107.2 Notices and orders. Such notice prescribed in Section 107.1 shall be in accordance with the provisions of Chapter 1.25 regarding the form of notices.

107.3 Method of service. Notices shall be deemed to be properly served if delivered in accordance with the provisions of Chapter 1.25 regarding the method of services of notices.

5. Section 110 amended – Demolition. International Property Maintenance Code Section 110.1 is amended to read as follows:

Section 110.1 General. The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to

demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two (2) years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Unless the code official determines that other measures are appropriate based on the circumstances, boarding the building up for future repair shall comply with appendix A and the structure shall not remain boarded beyond thirty (30) days, except where a non-opaque material is used that provides the same level of security as provided by the requirements of Appendix A, the boarding may remain in place for no more than one year. Timeframe extensions may be approved by the code official.

6. Section 111 amended – Means of appeal. Section 111 of the International Property Maintenance Code is deleted in its entirety and is replaced with the following:

111 Means of appeal. Any person directly affected by a decision of the code official or a notice or order issued under the international property maintenance code shall have the right to appeal the decision, notice, or order, accept notices to correct and the notices described in section 107. The means for appealing shall be that provided in ACC 15.07.130, as hereafter amended.

7. Sections 112.2 and 112.4 amended – Stop work order. Sections 112.2 and 112.4 of the International Property Maintenance Code are amended to read as follows:

112.2 Issuance. The provisions of Auburn City Code Chapter 1.25 regarding stop work orders shall govern the issuance of a stop work order under this code.

112.4 Failure to comply. The provisions of Auburn City Code Chapter 1.25 shall govern the enforcement of stop work orders and the penalty for failing to comply with an order.

8. Sections 302.4 and 304.14 amended – General requirements. Sections 302.4 and 304.14 of the International Property Maintenance Code are amended to read as follows:

302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, according to the abatement process contained in ACC 8.12, and the costs of such removal shall be paid by the owner or agent responsible for the property.

304.14 Insect Screens. During the period from April 1 to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.

9. Sections 602.3 and 602.4 amended – Mechanical and electrical requirements. Sections 602.3 and 602.4 of the International Property Maintenance Code are amended to read as follows:

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during year-round to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

a. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

b. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat year-round to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

a. Processing, storage and operation areas that require cooling or special temperature conditions.

b. Areas in which persons are primarily engaged in vigorous physical activities.

K. International Swimming Pool and Spa Code Adopted. The 2015 Edition of the International Swimming Pool and Spa Code, as published by the International Code Council, excluding Chapter 4, "Public Swimming Pools," Chapter 5, "Public Spas and Public Exercise Spas," and Chapter 6, "Aquatic Recreation Facilities," is adopted by reference.

L. International Existing Building Code Adopted. The 2015 Edition of the International Existing Building Code, as published by the International Code Council, and hereafter amended by the State Building Code Council in WAC 51-50-480101, is adopted.

M. International Green Construction Code Adopted. The 2015 Edition of the International Green Construction Code, as published by the International Code Council, is adopted by reference as an optional reference for developers who choose to utilize elements of the code for guidance.

N. National Healthy Housing Standard Adopted. The 2014 edition of the National Healthy Housing Standard, as published by the National Center for Healthy Housing, is adopted by reference as a

guideline and expression of intent to assist interpretation of the codes adopted in this Chapter.

(Ord. 6615 § 17, 2016; Ord. 6601 § 4, 2016; Ord. 6469 § 1, 2013; Ord. 6310 § 1, 2010; Ord. 6104 § 1, 2007; Ord. 5874 § 3, 2004; Ord. 5184 § 2, 1998; Ord. 4754 § 2, 1995; Ord. 4566 § 5 (Exh. A), 1992.)

15.06.020 Conflicts between codes -- Interpretation

In case of conflict between codes enumerated in ACC 15.06.010(A) through (M), ~~the first-named code shall govern over those following; except where, in any specific case, different sections of these codes specify different materials, methods of construction or other requirements,~~ the most restrictive code provision shall govern; and where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. In the case of a conflict between the International Green Construction Code and the city of Auburn design standards, surface water management manual, or construction standards, the city of Auburn standards shall govern.

The meaning, application or intent of any code provision contained in a one of the codes enumerated in 15.06.010 shall be interpreted consistent with the National Healthy Housing Standard, as adopted by that section. (Ord. 6601 § 4, 2016; Ord. 6469 § 1, 2013; Ord. 5874 § 3, 2004; Ord. 5184 § 2, 1998; Ord. 4754 § 2, 1995; Ord. 4566 § 5 (Exh. A), 1992.)

Chapter 15.20

PROPERTY MAINTENANCE CODE VACANT PROPERTY MANAGEMENT

Sections:

~~15.20.010 — Adoption of international property maintenance code.~~

~~15.20.020 — Appendices adopted.~~

~~15.20.030 — Sections 103.1 and 103.5 amended.~~

~~15.20.040 — Sections 107.2 and 107.3 amended.~~

~~15.20.050 — Section 110 amended — Demolition.~~

~~15.20.060 — Section 111 amended — Means of appeal.~~

~~15.20.070 — Sections 112.2 and 112.4 amended — Stop work order.~~

~~15.20.075 — Sections 302.4 and 304.14 amended — General requirements.~~

~~15.20.077 — Sections 602.3 and 602.4 amended — Mechanical and electrical requirements.~~

15.20.08010 Vacant property registration.

~~15.20.010 — Adoption of international property maintenance code.~~

~~The 2015 International Property Maintenance Code is adopted as the property maintenance code of the city; provided, that the amendments, deletions and additions thereto as provided in this chapter shall govern over the published provisions of the International Property Maintenance Code.1 A copy of the International Property Maintenance Code shall be on file in the office of the city clerk. (Ord. 6615 § 1, 2016.)~~

~~1 For the purposes hereof, where the International Property Maintenance Code references the code official, that shall refer to and be construed to mean the building official as used in the city code. Unless the context clearly indicates otherwise, the terms “code official” and “building official” shall be synonymous.~~

~~15.20.020 — Appendices adopted.~~

~~International Property Maintenance Code Appendix Chapter A, Boarding Standard, is hereby adopted. A copy of the International Property Maintenance Code Appendix Chapter A, Boarding Standard, shall be on file in the office of the city clerk. (Ord. 6615 § 1, 2016.)~~

~~15.20.030 — Sections 103.1 and 103.5 amended.~~

~~Sections 103.1 and 103.5 of the International Property Maintenance Code are amended to read as follows:~~

~~103.1 Department of property maintenance inspection. The department of community development and public works is responsible for implementation and enforcement of the International Property Maintenance Code.~~

~~103.5 Fees. The fees for activities and services performed by the city in carrying out its responsibilities under this code, including hearings conducted by the hearing examiner, shall be as indicated in the City of Auburn Fee Schedule.
(Ord. 6708 § 4, 2018; Ord. 6615 § 1, 2016.)~~

~~15.20.040 — Sections 107.2 and 107.3 amended.~~

~~Sections 107.2 and 107.3 of the International Property Maintenance Code are amended to read as follows:~~

~~107.2 Notices and orders. Such notice prescribed in Section 107.1 shall be in accordance with the provisions of Chapter 1.25 regarding the form of notices.~~

~~107.3 Method of service. Notices shall be deemed to be properly served if delivered in accordance with the provisions of Chapter 1.25 regarding the method of services of notices.
(Ord. 6615 § 1, 2016.)~~

~~15.20.050 — Section 110 amended — Demolition.~~

~~International Property Maintenance Code Section 110.1 is amended to read as follows:~~

~~Section 110.1 General. The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two (2) years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Unless the code official determines that other measures are appropriate based on the circumstances, boarding the building up for future repair shall comply with appendix A and the structure shall not remain boarded beyond thirty (30) days, except where a non-opaque material is used that provides the same level of security as provided by the requirements of Appendix A, the boarding may remain in place for no more than one year. Timeframe extensions may be approved by the code official.
(Ord. 6615 § 1, 2016.)~~

~~15.20.060 — Section 111 amended — Means of appeal.~~

~~Section 111 of the International Property Maintenance Code is deleted in its entirety and is replaced with the following:~~

~~111 Means of appeal. Any person directly affected by a decision of the code official or a notice or order issued under the international property maintenance code shall have the right to appeal the decision, notice, or order, accept notices to correct and the notices described in section 107. The means for appealing shall be that provided in ACC 15.07.130, as hereafter amended.
(Ord. 6615 § 1, 2016.)~~

~~15.20.070 — Sections 112.2 and 112.4 amended — Stop work order.~~

~~Sections 112.2 and 112.4 of the International Property Maintenance Code are amended to read as follows:~~

~~112.2 Issuance. The provisions of Auburn City Code Chapter 1.25 regarding stop work orders shall govern the issuance of a stop work order under this code.~~

~~112.4 Failure to comply. The provisions of Auburn City Code Chapter 1.25 shall govern the enforcement of stop work orders and the penalty for failing to comply with an order.
(Ord. 6615 § 1, 2016.)~~

~~15.20.075 — Sections 302.4 and 304.14 amended — General requirements.~~

~~Sections 302.4 and 304.14 of the International Property Maintenance Code are amended to read as follows:~~

~~302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, according to the abatement process contained in ACC 8.12, and the costs of such removal shall be paid by the owner or agent responsible for the property.~~

~~304.14 Insect Screens. During the period from April 1 to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.
(Ord. 6708 § 5, 2018.)~~

~~15.20.077~~ Sections 602.3 and 602.4 amended – Mechanical and electrical requirements.

Sections ~~602.3~~ and ~~602.4~~ of the International Property Maintenance Code are amended to read as follows:

~~602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during year-round to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.~~

~~Exceptions:~~

~~1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.~~

~~2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.~~

~~602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat year-round to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.~~

~~Exceptions:~~

~~1. Processing, storage and operation areas that require cooling or special temperature conditions.~~

~~2. Areas in which persons are primarily engaged in vigorous physical activities.
(Ord. 6708 § 6, 2018.)~~

15.20.08010 Vacant property registration.

A. The vacant property registration program is hereby established. All vacant properties shall be registered with the city when it remains vacant for more than 30 days. Failure to register a vacant property shall constitute a violation that is punishable under the terms and procedures of Chapter 1.25 ACC. This section shall not apply to properties that are the subject of a current rental business license issued pursuant to Chapter 5.22 ACC or are inhabited by the property owner part-time.

B. In addition to registration, vacant properties shall be managed as follows:

1. The property must be kept free of code violations.

2. The structure and property must remain secure from unauthorized access. All doors and windows must be in place and remain locked. Broken doors and windows must be repaired or replaced consistent with all provisions of this title.

3. The roof, flashing, rain gutters, and down spouts must be present and functional.
4. Exterior lighting, consistent with the requirements of this code, shall remain functional and shall be set on a timer to provide nighttime illumination.
5. Water service shall be disconnected.
6. All vegetation shall be maintained consistent with Auburn City Code. Additionally, shrubs, ground covers, vines, and trees must be kept trimmed and not encroach into the public right-of-way or onto other neighboring properties.
7. The exterior appearance of all structures shall be kept clean and in good condition, consistent with Section 304 of this code. Tarps are not allowed as a means of securing or screening damaged, degraded or moss covered roofs, doors, windows or walls, except as a temporary measure prior to a permanent repair or replacement.
8. Appropriate winterization measures shall be taken to ensure that the structure and property is not further degraded due to extended periods of cold and/or wet weather.
9. Gas, electrical, and plumbing fixtures shall be maintained in a condition that is safe and that avoids risk to public health and safety.
10. A notice shall be placed in a visible location on the property that indicates who the property is registered to and must include contact information for the responsible party.
11. The property must be registered with the city of Auburn police department trespass program.

C. The provisions of this section can be applied retroactively. Vacant properties and structures existing on the date of adoption of this section are not vested. (Ord. 6615 § 1, 2016.)

The Auburn City Code is current through Ordinance 6713, passed April 1, 2019.

Disclaimer: The city clerk's office has the official version of the Auburn City Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: www.auburnwa.gov

Code Publishing Company

National Healthy Housing Standard



National Healthy Housing Standard

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Foreword and Acknowledgments

FOREWORD

Housing is one of the best known and documented determinants of health. The affordability, location, and quality of housing have all been independently linked to health. Poor quality housing and blighted neighborhoods diminish property values, increase crime, and erode the cohesiveness and political power of communities. Despite the critical role of housing in public health, attention to U.S. housing conditions remains incommensurate with its importance to our wellbeing. One illustration of this is the number of homes in substandard condition. Despite setting a national goal in Healthy People 2010 to reduce the number of units in substandard condition by 52 percent, we have made no progress. There were 6.3 million units in substandard conditions in 2001; 6.3 million units remain substandard in 2011 according to the most recent American Housing Survey.

More than a century ago, growing concern about the toll of infectious diseases such as tuberculosis, typhoid, and dysentery in America spurred a national public health movement aimed at eradicating inadequate housing conditions. The effort yielded important housing improvements that dramatically curbed the outbreak of communicable diseases. In the decades that followed, the public health community became less involved with housing as separate governmental departments were established to develop and enforce housing and building codes. This separation of public health and housing has challenged the nation's ability to mount a successful campaign to improve the quality of housing and neighborhoods.

We at the National Center for Healthy Housing (NCHH) and the American Public Health Association (APHA) have created this evidence-based National Healthy Housing Standard as a tool to reconnect the housing and public health sectors and as an evidence-based standard of care for those in the position of improving housing conditions. We have drawn from the latest and best thinking in the fields of environmental public health, safety, building science, engineering, and indoor environmental quality.

Our focus in the National Healthy Housing Standard is the over 100 million existing homes in our country that offer the most significant opportunity to protect public health and reduce health disparities. Although new homes are typically safer and healthier, having been built to modern building standards, technologies and regulations, and to ever-changing consumer expectations, the new construction market remains a fraction of the overall housing stock in the country. In contrast, regulations and industry practices affecting existing owner-occupied and rental housing, the focus of this document, have not kept pace with our knowledge about housing-related disease and prevention of disease and injury through routine maintenance.

The consequences of not dealing with substandard housing are dire in both human wellbeing and cost:

- About 20-30 percent of asthma cases are linked to home environmental conditions.
- 21,000 lung cancer deaths result from radon in homes.
- Over 24 million homes that have lead-based paint hazards put children at risk of the irreversible disease of childhood lead poisoning.
- Home injuries are the leading causes of death for young children and put 6 million adults over 65 in hospitals and nursing homes due to preventable falls.

We can do better. We can make our homes smart, at least as smart as our phones. For example, carbon monoxide detectors can alert us to life threatening situations. Modern efficient ventilation systems can keep us comfortable, control humidity, and provide clean fresh air. More resilient homes can handle climate chaos, withstanding storms and wild swings in temperature with proper insulation, air sealing, structural integrity, and moisture control and more. Grab bars, handrails, and ample lighting will help accommodate our aging population. These are the homes in which today's families want to live and grow old and that future generations deserve.

We know that to bring about our vision of ensuring that all people live in safe and healthy homes, we will need to marshal political will and financial resources. Regulations are one important way to address unhealthy housing, but we can also achieve our vision by arming the private sector with the right information. In every community, property

owners, advocates, code officials, public health leaders, and others are positioned to recognize and coordinate their shared missions of keeping people safe and healthy in the places they live. We hope the Standard will inspire action and cross sector collaboration. Most of all, we hope through the implementation of this Standard we will save lives, shrink disparities, and ensure our nation's homes are the safe havens they were meant to be.

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May 16, 2014

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The basis for this document is Housing and Health: Recommended Minimum Housing Standards, which was published in 1986 by the American Public Health Association and the U.S. Centers for Disease Control and Prevention.

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- Sections 302.2, 302.6, 303.2, 303.18.1, 304.2, 305.4, 402.1, 402.2, 403.1, 403.2, 403.5, 404.3, 404.4.3, 505.4, 602.2.2, 602.2.3, 603.2, 603.3 of the 2012 International Property Maintenance Code.
- Section 1210.2 of the 2012 International Building Code.
- Sections 907.2.11.2, 907.2.11.3 of the 2012 International Fire Code.
- Sections 424.3, 424.5, 501.6, 504.4, 504.6 of the 2012 International Plumbing Code.
- Sections E3901, E3902.1, M1901.1, P2713, P2708.3, P3009, R310.1, R310.2, R310.2.1, R311.7.5, R311.7.8, R312.1.1, R312.1.2, R312.1.3, R312.2.1 of the International Residential Code.

USING THIS DOCUMENT

The Standard provides health-based provisions to fill gaps where no property maintenance policy exists and also a complement to the International Property Maintenance Code and other policies already in use by local and state governments and federal agencies for the upkeep of existing homes. The Standard bridges the health and building code communities by putting modern public health information into housing code parlance. The Standard is written in code language to ease its adoption, although we anticipate that states, localities, and other users will tailor it to local conditions.

The Standard consists of seven chapters and a section of definitions. The annotated version of the Standard explains the public health rationale for each provision, and provides references and resources for more information. Individually and together, the Standard constitutes minimum performance standards for a safe and healthy home. In developing the Standard we found a variety of provisions that could be added to further enhance the health and safety of the home, but that would be difficult to achieve during property maintenance due to cost or feasibility. We have included those provisions as “stretch” measures for users who want to go above the minimum requirements or who can integrate compliance with the provisions during property renovation. We encourage the adoption of the stretch provisions wherever feasible.

June 2018 Update

Since the development and release of the Standard, NCHH, APHA, and other partners have developed companion tools and resources to help communities use the Standard to assess and improve their housing codes:

- NCHH completed comparisons of local code to the Standard with customized recommendations for improvement in 25 communities. At least two communities have incorporated all or part of the Standard’s provisions into their local codes. On October 5, 2015, the Tukwila (WA) City Council adopted Ordinance No. 2481, which incorporates the Standard within their local property maintenance code. On September 8, 2015, Dallas code officials, with the support of a coalition of local health and housing providers and NCHH, presented plans to the Housing Committee of the Dallas City Council to update the local property code. The proposed changes included adoption of provisions in the Standard addressing pests, moisture, and excessive temperatures. In September 2016, the city council voted 12-1 to overhaul the city’s housing standards and require code inspections of all rental homes.
- In 2015, NeighborWorks America funded NCHH to develop an implementation tool, which is intended to help with voluntary adoption of the Standard. In 2014-2015, NeighborWorks and NCHH considered the applicability of the Standard for NeighborWorks organizations. NCHH talked to developers, managers, and maintenance staff of large-scale multifamily buildings, scattered-site developments, and those who work primarily in single-family housing programs. Their insights were the basis for the creation of the implementation tool, which NCHH views not only as a maintenance standard but also as a living document that highlights positive actions developers can take, regardless of their housing stock or the stage of the development process. The implementation tool presents the Standard in abbreviated form to facilitate identification of actions most relevant for different user groups.
- NCHH developed an online tool that enables communities to compare their current housing/property maintenance code to the Standard. To complete the online self-assessment, communities are guided through a set of questions to help them rate their local codes against each of the Standard’s provisions. Embedded tips assist communities in locating relevant codes and understanding how to make a comparison. The tool consists of flexible modules so that a community only interested in pest management can focus their efforts on rating and receiving recommendations from relevant provisions. After completing each module, communities receive a customized report with recommendations for improving their local codes.

Through the Standard and companion resources (available at nchh.org/tools-and-data/housing-code-tools/), NCHH and APHA continue their work to empower and equip communities to improve health by improving housing quality. The National Healthy Housing Standard is an evidence-based tool that continues to inspire action and cross-sector collaboration to improve housing conditions.

Requirements and Stretch Provisions

1. DUTIES OF OWNERS AND OCCUPANTS

1.1. Duties of Owners.

The owner has the duty to ensure that the structure, dwelling, dwelling unit, common areas, and premises are maintained in a safe and healthy condition, in compliance with this Standard and other applicable requirements.

1.1.1. The owner shall ensure the collection of trash and recyclables and provide and maintain trash containers, bulk storage containers, recycling containers, and areas where the containers are stored.

1.1.2. The owner shall maintain the building and premises to keep pests from entering the building and dwelling units, inspect and monitor for pests, and eliminate pest infestation in accordance with integrated pest management methods.

1.1.3. The owner shall provide occupants with at least 48 hours written notice of the planned use of a chemical agent such as a pesticide or herbicide, the date and location of application, and a copy of the warning label.

1.1.4. The owner shall not cause or allow any water, sewage, electrical, or gas service, facility, or equipment required for safe and healthy occupancy to be removed, shut off, or discontinued for any occupied dwelling, except for such temporary interruption as may be necessary while repairs or alterations are being performed, or during temporary emergencies requiring discontinuance of service. This provision does not apply where the occupant has contractual control over the service and shall not be interpreted as preventing a utility company from discontinuing service for reasons allowed by law.

1.1.5. The owner shall investigate occupant reports of unsafe or unhealthy conditions, respond in writing, and make needed repairs in a timely manner.

1.2. Duties of Occupants.

The occupant shall properly use and operate the dwelling unit and owner-supplied fixtures and facilities controlled by the occupant in order to maintain a safe and healthy environment within the dwelling unit, and report unsafe or unhealthy conditions, including breakdowns, leaks, and other problems requiring repair to the owner in a timely manner.

1.2.1. The occupant shall place trash and recyclables in the appropriate containers.

1.2.2. The occupant shall work with the owner to ensure pest-free conditions in accordance with integrated pest management.

1.2.3. If the occupant's action leads to pooling of water or another excessive moisture problem inside the dwelling unit, the occupant shall clean up and dry out the area in a timely manner.

2. STRUCTURE, FACILITIES, PLUMBING, AND SPACE REQUIREMENTS

2.1. Structure.

Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, porch, trim, accessory structure, fence, door, window, and window glass shall be safe to use and capable of supporting the intended design loads and load effects and shall be in good condition.

2.2. Facilities.

Every plumbing fixture and pipe, chimney, flue, smoke pipe, and every other facility, piece of equipment, or utility shall be installed in conformance with applicable statutes, ordinances, and regulations.

2.2.1. Mechanical, utility, and heating equipment shall be separated from habitable rooms. In multifamily buildings, equipment rooms shall be locked.

2.3. Plumbing System.

Every plumbing fixture, stack, vent, water, waste, and sewer pipe shall be properly installed, maintained in a safe and functional order, and kept free from obstructions, leaks, and defects.

2.3.1. An approved potable water supply system shall provide an adequate amount of running water under pressure to all fixtures simultaneously.

2.3.2. An adequate supply of heated running water under pressure shall be supplied to sinks, bathtubs, showers, and laundry facilities. Water heaters shall be set at a minimum temperature of 110° F (43° C). At bathtub faucets and shower heads, the maximum temperature shall be 120° F (49° C). Heated water shall be provided by either a tank-type or tankless water heater. A tank-type water heater shall have a temperature/pressure relief valve that discharges to a drip pan, storage tank, or the outside. The temperature of water discharged from a tankless water heater shall not exceed 140° F (60° C).

2.3.3. Every waste pipe shall be connected to a public sewer system, an approved private sewage disposal system, or the dwelling's graywater system. No toilet waste pipe shall be connected to a graywater system. The drainage system shall have a cleanout.

2.3.4. Faucet discharge points shall be located above the overflow rim of sinks, tubs, or other fixtures that collect water.

✓ Stretch Provisions:

- Bathtub and shower faucets shall have anti-scald devices, such as an automatic temperature control mixing valve, water temperature limiting device, or temperature-actuated flow reduction valve.
- Each dwelling unit in multifamily housing shall have a separate meter for water supplied to the unit.
- Multifamily housing with one or more central water heaters shall comply with ASHRAE Standard 188P to assess and manage the risks associated with Legionella in building water systems.
- A private water supply shall be tested annually to ensure that water does not have biological or chemical contaminants.
- If there is a suspected risk of excessive lead in drinking water supplied by a public water utility, the water shall be tested. The risk factors shall include, but are not limited to, presence of an occupant with a blood lead level of five micrograms per deciliter or more, pipes made of lead or leaded brass, test results indicating that the lead level in the public water supply exceeds federal limits, and plumbing repair work that has disturbed water supply components (such as faucets, valves, pipes, meters, pressure regulators, backflow preventers, lead-soldered joints, or service lines). If the lead level in the water sample exceeds 15 parts per billion, there shall be an investigation of the possible sources(s) to determine the appropriate course of action. If warranted, lead and brass-containing components shall be replaced.

2.4. Kitchen.

Every dwelling unit shall have a kitchen equipped with the following:

2.4.1. A kitchen sink in good working condition that is properly connected to heated and unheated water supplies and waste pipes. Any provided dishwasher and components of the sink, including disposal and water filtration devices, shall be in good working condition and properly connected.

2.4.2. A counter for food preparation and cabinets and/or shelves sufficient to store occupants' food that does not require refrigeration and eating, drinking, and food preparation equipment. Cabinets shall have tight-fitting doors and no gaps between any surfaces. The counter, countertop edges, cabinets, and shelves shall be of sound construction and furnished with surfaces that are impervious to water, smooth, and cleanable.

2.4.3. A range for cooking food. The range shall be properly installed with all necessary connections for safe and efficient operation and shall be maintained in good working condition.

2.4.3.1. The range shall include an oven unless both a separate oven, other than a microwave oven, and a cooktop are provided. A hot plate is not an acceptable substitute for burners on a range or cooktop. The range or cooktop shall have a vertical clearance of not less than 30 inches (762 mm) from above its surface to unprotected combustible material. Reduced clearances are permitted in accordance with the listing and labeling of the range hood.

2.4.3.2. Ventilation for the range shall be provided in accordance with Subsection 5.3.

2.4.4. A refrigerator with a freezer. The refrigerator shall be in good working condition, of sufficient size to store occupants' food that requires refrigeration, and capable of maintaining a temperature less than 41° F (6° C) but more than 32° F (0° C). The freezer section shall be capable of maintaining a temperature below 0° F (-18° C).

2.4.4.1. If the lease does not provide for a refrigerator, adequate connections for the occupant's installation and operation of a refrigerator shall be provided.

2.4.5. A kitchen floor in good condition with a sealed, water-resistant, nonabsorbent, and cleanable surface.

✓ Stretch Provisions:

- Cabinets and countertops shall be constructed of materials that are rated No-Added Formaldehyde (NAF) or Ultra-Low-Emitting Formaldehyde Resins (ULEF).
- Wall surfaces immediately adjacent to the range, sink, and counter shall be covered with an impervious finish.
- The joints where a wall meets a cabinet or counter, and where a counter meets a stove or sink, shall be sealed or covered to permit thorough cleaning and deter pests.
- Enclosed cabinets (as opposed to a combination of shelves and cabinets) sufficient to store occupants' food that does not require refrigeration shall be provided.
- Freestanding stoves shall have brackets to prevent tip-over.

2.5. Bathroom.

Every dwelling unit shall have a private bathroom equipped with the following:

2.5.1. A toilet in good working condition that is sealed to the waste pipe and affixed to the floor and properly connected to both the dwelling's water supply and a waste pipe leading to an approved sewage system or private waste disposal system.

2.5.2. A sink in good working condition, with a stable connection to the wall or secure attachment to the floor that is properly connected to the heated and unheated potable water supply and a sealed trap leading to a waste pipe.

2.5.3. A bathtub or shower in good working condition that is properly connected to the heated and unheated potable water supply and a waste pipe. The bottoms of bathtubs and shower floors shall have permanent or removable nonslip surfaces.

2.5.4. Cleanable nonabsorbent water-resistant material on floor surfaces and extending on bathroom walls at least 48 inches (122 cm) above a bathtub and 72 inches (183 cm) above the floor of a shower stall. Such materials on walls and floors shall form a watertight joint with each other and with the bathtub or shower.

2.5.5. Ventilation for the bathroom provided in accordance with Subsection 5.3.

 Stretch Provisions:

- Grab bars shall be firmly anchored to the wall adjacent to each bathtub, shower, and toilet in accordance with the Americans with Disabilities Act Design Guidelines.
- Tub and shower enclosures composed of tile or panel assemblies with caulked joints shall be installed over moisture-resistant backing material, such as cement board. Paper-faced wallboard shall not be used behind such tub and shower enclosures. Monolithic tub and shower enclosures (e.g., fiberglass with no seams) are exempt from these limitations unless required by the manufacturer.

2.6. Minimum Space.

The dwelling shall provide privacy and adequate space for sleeping and living.

2.6.1. A bedroom shall not be the only passageway to the only bathroom in a dwelling unit with more than one bedroom.

2.6.2. A bathroom or toilet room shall not be the only passageway to any habitable room, hall, basement, or the exterior of the dwelling.

2.6.3. Every habitable room shall have a minimum floor area of 70 ft² (6.5 m²).

2.6.4. Every dwelling shall have closet space or other storage space to store occupants' clothing and personal belongings.

2.6.5. The ceiling height of any habitable room shall be at least 84 inches (213 cm). In a habitable room with a sloping ceiling, at least one-half of the floor area shall have a ceiling height of at least 84 inches (213 cm). If any part of a room has a ceiling height lower than 60 inches (152 cm), its floor area shall not be considered in computing the floor area of the room.

2.6.6. A habitable room located partly or totally below grade shall be provided with natural light by windows in accordance with Subsection 4.3, and ventilation in accordance with Subsection 5.3. In such a room, the ceiling and any ducts, pipes, and other obstructions shall be at least 84 inches (213 cm) above the floor throughout the room, and walls and floors shall be waterproof and free of dampness.

2.7. Floors and Floor Coverings.

Floors and floor coverings shall be attached at each threshold, maintained in safe and healthy condition, capable of being cleaned, and free of bulges and buckling. Carpets shall have no tears, folds, or bumps.

 Stretch Provisions:

- Floor coverings shall consist of low-pile carpet or nonabsorbent material such as hardwood, tile, or resilient flooring. Carpet and other floor coverings shall be certified as having low volatile organic compound (VOC) emissions, and any adhesives, padding, or other materials used in installing the floor covering shall be certified as having no VOCs or low VOC emissions, and having no perfluorocarbons or halogenated flame retardants.
- Walk-off entry mats shall be provided inside or outside each entryway that leads to the outdoors.

2.8. Noise.

The structure and facilities shall be maintained so that the noise level in the interior of the dwelling unit caused by exterior sources is below 45 dB L_{dn} (day-night equivalent sound level).

✓ **Stretch Provisions:**

- Nighttime noise levels within bedrooms shall not exceed 30 dB LA_{eq} measured over eight hours.
- HVAC equipment, including intermittent ventilation fans, shall operate at a noise level that creates no more than 45 dB L_{dn} in habitable rooms.
- Wall and ceiling assemblies shall meet performance standards to attenuate exterior sound reaching occupants or be constructed using materials with sound-dampening acoustical properties.
- Roof material, chimney baffles, exterior doors, mail slots, attic ventilation ports, wall-mounted air conditioners, and other building components that have the potential to admit excessive noise shall be configured to minimize sound intrusion.
- Windows shall be sealed, made weathertight, and caulked to minimize sound intrusion when closed.

3. SAFETY AND PERSONAL SECURITY

3.1. Egress.

In accordance with local fire codes, every dwelling unit shall have at least two means of egress that serve as emergency escapes and rescue openings. Each egress shall lead outside without passing through another dwelling unit.

3.1.1. Egress routes shall be unobstructed. Doors along egress routes shall be openable from the inside without the use of a key or tool.

3.1.2. Any bedroom located below the fourth floor shall be provided with an exterior window openable from the inside that can be used as a means of emergency egress.

3.1.3. If a habitable room partly or totally below grade is intended for sleeping purposes, at least one exterior window shall be openable from the inside and accessible for easy and ready use as an emergency exit. The window shall have the following minimum dimensions: a net clear opening of 5.7 ft² (0.53 m²); 24 inches (61 cm) from the top of the sill to the bottom of head of the window frame; a width of 20 inches (51 cm); and a sill height of not more than 44 inches (112 cm) from the floor.

3.1.3.1. If the window opening sill height is below ground elevation, the horizontal dimension (width times projection) of the window well shall be at least nine ft² (0.84 m²) and the horizontal projection shall extend at least 36 inches (91 cm) from the exterior side of the window.

3.1.3.2. If the egress window well is deeper than 44 inches (112 cm) below ground elevation, there shall be steps or a ladder permanently attached to serve as an emergency exit to ground elevation. The distance between steps or rungs shall be 18 inches (46 cm), their width shall be at least 12 inches (31 cm), and their projection from the wall shall be between three and six inches (7.6 and 15 cm).

3.1.3.3. A door leading directly from the room to the outside that provides an exit at grade level shall fulfill this requirement.

3.2. Locks/Security.

Means of egress (i.e., windows and/or doors) from dwellings shall have locks.

3.2.1. Following each change in tenancy, the locking devices on the dwelling unit entry doors shall be changed.

3.2.2. Dwelling unit entry doors shall be equipped with a dead bolt lock with a minimum throw of one inch (2.54 cm) and that is capable of being opened from the interior side without a key and a device that permits the occupant to see a person at the entry door without fully opening the door.

3.2.3. Exterior doors on multifamily buildings with a common entry that leads into a foyer or hallway shall have a self-closing mechanism and shall be equipped with a locking device capable of being opened from the interior side without a key.

3.2.4. Exterior windows that are capable of being opened and are potential means of entry shall be equipped with a lock on the interior side.

3.3. Smoke Alarm.

Every dwelling unit shall have a functioning smoke alarm located on the ceiling outside each sleeping area in the immediate vicinity of the bedrooms, in each additional room used for sleeping purposes, and on every level except crawlspaces and uninhabitable attics. In dwellings or dwelling units with split levels that have no door between adjacent levels, the smoke alarm installed on the upper level shall suffice for the adjacent lower level. In the event a smoke alarm sounds, the cause of the alarm condition shall be identified and corrected.

3.3.1. In multifamily housing, a tamper-proof smoke detection system (interconnected with a central fire alarm system) or stand-alone smoke alarms in good working condition shall be installed on each level including basements, in heating system and storage rooms, in garages, and in other common areas.

3.3.2. Battery-operated smoke alarms and the battery backup for hardwired smoke alarms shall be powered with long-lasting batteries.

3.3.3. Alternative visual notification shall be provided for hearing-impaired occupants.

✓ **Stretch Provisions:**

- Smoke alarms shall be hardwired with battery backup.
- Smoke alarm batteries shall be sealed-in and tamper-proof.
- Multiple smoke detection stations shall be interconnected.
- Every dwelling unit shall have both a photoelectric smoke alarm and an ionization smoke alarm.

3.4. Fire Extinguisher.

Fire extinguishers shall be rated Class ABC and shall be readily accessible.

3.4.1. Each dwelling unit shall have at least one 10-pound fire extinguisher in good working condition in or near the kitchen.

3.4.2. In multifamily housing, there shall be fire extinguishers in common areas on each floor and in areas where flammable or combustible liquids are stored, used, or dispensed. The fire extinguishers shall be located in conspicuous, unobstructed locations that are not obscured from view.

✓ **Stretch Provision:**

- The dwelling shall have an automatic fire sprinkler system that complies with the applicable locally adopted fire code. If the local fire code has no sprinkler requirement or if no local fire code exists, the installed automatic fire sprinkler system shall comply with either the International Fire Code® or the National Fire Protection Association Standard 1.

3.5. Carbon Monoxide Alarm.

Every dwelling unit shall have at least one functioning carbon monoxide (CO) alarm on every habitable floor and outside each separate sleeping area, in the immediate vicinity of every bedroom. In the event a CO alarm sounds, the cause of the alarm condition shall be identified and corrected.

3.5.1. Battery-operated CO alarms shall be powered with long-lasting batteries. Hardwired CO alarms shall have long-lasting battery backup.

3.5.2. Alternative visual notification shall be provided for hearing-impaired occupants.

✓ **Stretch Provisions:**

- CO alarms and combination smoke/CO alarms shall include voice notification.
- If a combination ionization sensor smoke/CO alarm is used, a second smoke alarm utilizing photoelectric smoke sensors shall be installed.
- CO alarm batteries shall be sealed-in and tamper-proof.
- CO present at or above 30 ppm (35 mg/m³) when measured over one hour, or above nine ppm (10.5 mg/m³) measured over eight hours, shall be deemed hazardous. The cause of a hazardous indoor CO level shall be investigated to identify and eliminate its source.

3.6. Walking Surfaces.

Every interior and exterior stairway, ramp, deck, porch, and balcony shall be maintained structurally sound, in good repair, properly anchored, and capable of supporting the imposed loads.

3.6.1. Treads on exterior stairways shall have nonskid surfaces.

3.6.2. Every interior and exterior stairway with four or more risers shall have at least one structurally sound continuous handrail installed not less than 34 inches (86.7 cm) and not more than 38 inches (96.5 cm), measured vertically from above the nose of the tread. The handrail shall be firmly fastened, capable of supporting a load of 300 pounds, and in good condition. If a side of a stairway is open to the floor or grade below, and the handrail provides the guard required by Subsection 3.7, the rail shall be supported by balusters 34 to 38 inches (86.7 to 96.5 cm) in height, measured vertically from the nose of the tread.

 Stretch Provisions:

- Every interior and exterior stairway shall have uniform risers and treads. Risers shall be no higher than 7¾ inches (19.6 cm) and treads shall be at least 10 inches (25.4 cm) deep, unless the existing space and construction do not allow a reduction in pitch or slope.
- Interior and exterior stairways shall have handrails on both sides. Railings shall have a graspable perimeter measuring four to six inches (10–16 cm), and if noncircular in shape, shall have no sharp corners and a width no smaller than five-eighths inch (1.5 cm).

3.7. Guards.

3.7.1. Every stairway, porch, patio, landing, and/or balcony located more than 30 inches (76.2 cm) above an adjacent area shall have a structurally sound guard between 30 inches (76.2 cm) and 42 inches (107 cm) high, measured vertically from the floor. The guard shall be firmly fastened, capable of supporting normally imposed loads, capable of being opened in case of emergency, and in good condition. Balusters with a minimum thickness of one-half inch (13 mm) shall be placed at intervals that do not allow passage of a sphere greater than four (10.2 cm) inches in diameter. There shall be no climbable cross pieces. If the balusters do not reach the floor, the narrowest opening between the bottom of the stair guard and the floor shall be a maximum of four inches (10.2 cm).

3.7.2. If the vertical distance from the top of the sill of an exterior window opening to the finished grade or other surface below is greater than 72 inches (183 cm), and the vertical distance from the top of the sill to the floor of the room is less than 36 inches (91.5 cm), the window shall have a fall prevention device compliant with ASTM F2006 or ASTM F2090.

3.7.2.1. The fall prevention device for a window that provides access to a fire escape or is otherwise designated for emergency egress shall be compliant with ASTM F2090.

3.8. Chemical Storage.

3.8.1. Each dwelling unit shall have a cabinet or other storage space that is lockable or not readily accessible to children for the storage of medicine and household chemical agents.

3.8.2. Storage space for flammable and combustible liquids shall be available either in a building separate from the dwelling's habitable space or in an adjacent space that is not connected to the dwelling's ventilation system.

3.9. Pools, Hot Tubs, and Other Water Features.

3.9.1. Swimming pools, hot tubs, spas (except a residential spa or hot tub with a safety cover complying with ASTM F 1346-91), ornamental ponds, and other water features that hold water more than 24 inches (61 cm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (122 cm) in height above the finished ground level that is accessible only through a self-closing and self-latching gate. The gate's latch shall be located 54 inches (137 cm) above the bottom of the gate on the interior side of the gate facing the water feature. The fence and gate shall not have climbable crosspieces.

3.9.2. All pools and spas shall have anti-entrapment drain covers compliant with ANSI/ASME A112.19.8, ANSI/APSP 16-2011, or any successor standard, on every suction outlet.

3.9.3. Pool drains and drain covers shall be clearly visible and in good repair. Where there is a single main drain (other than an unblockable drain), a second anti-entrapment system shall be installed.

3.9.4. Luminaries, receptacles, and other outlets shall have ground fault circuit interrupter (GFCI) protection.

4. LIGHTING AND ELECTRICAL SYSTEMS

4.1. Electrical System.

Every dwelling unit shall have electric service, outlets, and fixtures that are grounded and installed properly, maintained in good and safe working condition, and connected to a source of electric power.

4.1.1. Every dwelling unit shall be supplied with a three-wire, 120/240-volt, single-phase electrical service that is not shared with another dwelling unit.

4.1.2. Temporary wiring or extension cords shall not be used as permanent wiring.

✓ **Stretch Provision:**

- The electrical service shall have a rating of not less than 100 amperes.

4.2. Outlets.

Every habitable room shall have at least two separate and remote grounded duplex electric receptacle outlets.

4.2.1. Each kitchen and each room containing a toilet, sink, bathtub, or shower stall shall have at least one grounded duplex electric receptacle outlet protected by a ground-fault circuit interrupter (GFCI).

4.2.2. Receptacle outlets in garages, crawl spaces, unfinished basements, and outdoors shall be protected by GFCIs.

✓ **Stretch Provisions:**

- Habitable rooms shall have sufficient electric receptacle outlets so that no location on a wall is more than six feet from an outlet.
- Every countertop space 12 inches (305 mm) or wider shall have a grounded duplex electric convenience receptacle outlet protected by a GFCI. No section of counter shall be more than 24 inches (610 mm) measured horizontally from an outlet.
- Receptacle outlets in habitable rooms that are not protected by GFCIs shall be protected by arc-fault circuit interrupters (AFCIs).

4.3. Natural Lighting.

Every habitable room shall receive daylight from at least one exterior window or skylight.

4.3.1. If a habitable room receives daylight from an adjacent room or area used seasonally, such as a porch, the daylight through this interconnection shall be available year-round.

4.3.2. Every bathroom and kitchen shall comply with the daylight requirement for habitable rooms contained in this section, unless the room is equipped with a ventilation system consistent with Subsection 5.3.

4.4. Artificial Lighting.

Each room containing a toilet, sink, bathtub, or shower stall shall contain at least one ceiling- or wall-type electric lighting fixture. Each non-habitable room, including laundry rooms, furnace rooms, and public halls, shall contain at least one ceiling- or wall-type electric lighting fixture.

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

4.4.2. Every public hall, exterior entry door, and stairway in multifamily housing shall be illuminated at all times by ceiling- or wall-type electric lighting fixtures providing 800 lumens for every 200 ft² (18.6 m²) of floor area. The distance between light fixtures shall not be greater than 30 feet (762 cm).

4.4.3. In a building containing one or two dwelling units, every public hall, exterior entry door, and stairway shall be illuminated by ceiling- or wall-type electric lighting fixtures providing 800 lumens for every 200 ft² (18.6 m²) of floor area that is controlled by a three-way switch or a motion-activated device.

 Stretch Provisions:

- Polychlorinated-biphenyl (PCB)-containing lighting ballasts (e.g., older pre-1978 T-12 lighting ballasts) shall be removed, replaced with lighting fixtures that do not contain PCBs, and disposed of in accordance with applicable state and federal regulations.
- The lighting fixtures in public halls, stairways, and entries shall provide 1600 lumens for every 200 ft² (18.6 m²) of floor area.
- The parking areas and walkways of multifamily housing shall be illuminated by outdoor lighting devices suitable for the premises.

5. THERMAL COMFORT, VENTILATION, AND ENERGY EFFICIENCY

5.1. Heating, Ventilation, and Air Conditioning Systems.

Facilities for heating, cooling, ventilation, and humidity control shall be maintained in good working condition and operated when necessary for the health and comfort of the occupants and in accordance with the design capacity of the installed equipment. Within 48 hours after equipment has become inoperative due to a mechanical problem or power failure other than a utility outage, an alternative safe source of necessary heating, ventilating, or cooling shall be provided.

5.2. Heating System.

Except in Climate Zone 1, every dwelling shall have a properly installed heating system in good and safe working condition that is capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms. The heating system, filtration components, distribution components, heating elements, and cooling elements (if provided), shall be sealed, cleaned, maintained, and operated in accordance with manufacturer specifications and shall be inspected and serviced annually by a licensed heating, ventilation, and air conditioning systems contractor.

5.2.1. Venting and Air Supply for Heating Equipment. Furnaces, water heaters, wood stoves, and other devices that employ combustion-burning fuel shall be vented to the outside of the structure in an approved manner that meets manufacturer specifications and is in compliance with applicable codes and standards (e.g., ANSI 223.1/NFPA 54 National Fuel Gas Code, NFPA 31 Standard for the Installation of Oil-Burning Equipment, NFPA 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances) and shall be supplied with sufficient air to support the continuous complete combustion of fuel and prevent backdrafting.

5.2.2. Minimum Heat Temperature. The heating system shall be capable of maintaining a minimum room temperature of 68° F (20° C) in every habitable room, bathroom, and toilet room.

5.2.3. Heating Supply. If the dwelling unit is rented, leased, or let on terms either expressed or implied that heat will be supplied, heat shall be provided to maintain a minimum temperature of 68° F (20° C) in habitable rooms, bathrooms, and toilet rooms; and at no time during the heating season shall the system allow the temperature to exceed 78° F (25° C) in any room.

5.2.4. Forced-Air Systems. Any dwelling with a forced-air system shall have at least one thermostat within each dwelling unit capable of controlling the heating system, and cooling system if provided, to maintain temperature set point between 55° F (13° C) and 85° F (29° C) at different times of the day. The system shall have a clean air filter installed in accordance with manufacturer specifications at each change in tenancy and at least annually. This filter shall have a minimum efficiency reporting value of eight (MERV-8) unless the system is not equipped to use a MERV-8 filter.

5.2.5. Steam and Hot Water Systems. In dwellings with heating equipment utilizing steam or hot water with a temperature of 110° F (43° C) or greater, protective covers/barriers shall be installed on and maintained for exposed surfaces of baseboard units, radiators, and piping between radiators.

5.2.6. Wood Stoves. A wood stove manufactured after June, 1988 shall have a manufacturer's label certifying compliance with the emission standard at 40 C.F.R. § 60 part AAA. Clearance of 30 inches (76 cm) shall be maintained between combustible materials and a stove with no heat shield. Where a heat shield is present, the clearance between combustible materials and the stove shall be compliant with manufacturer specification for the heat shield.

✓ Stretch Provisions:

- Any new combustion heating equipment installed in occupied or conditioned spaces shall be power-vented or sealed (direct-vented) combustion equipment.
- The heating system shall be controlled by a programmable thermostat to avoid temperature extremes.

- The dwelling shall have provisions to maintain the indoor temperature below a maximum of 85° F (29° C) through the use of mechanical air conditioning, ventilation systems, or passive design features.
- Air filters shall be replaced at least every three months.

5.3. Ventilation.

Natural or mechanical ventilation, or a combination of the two, shall deliver fresh air to every habitable room and bathroom and be capable of removing moisture-laden air and other contaminants generated during cooking, bathing, and showering.

5.3.1. Every dwelling shall have a ventilation system compliant with ASHRAE Standard 62.2 (Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings) or ASHRAE 62.1 (Ventilation for Acceptable Indoor Air Quality) as applicable to the dwelling.

5.3.2. The air exhausted from a bathroom, toilet room, kitchen, clothes dryer, or basement shall not be vented into any other parts of the building's habitable space or an attic; such air shall discharge directly to the outdoors but not near any intake on the building exterior.

5.3.2.1. The exhaust vent from a clothes dryer shall consist of a rigid or corrugated semi-rigid metal duct.

5.3.3. Pipes, ducts, conductors, fans, and blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another occupant. Vent pipe openings and any pest-proofing screens that cover them shall be maintained free of debris.

5.3.4. Basement air shall not be used as supply air for an air handling system.

Stretch Provision:

- HVAC equipment shall have the capacity to maintain indoor relative humidity (RH) at or below 60 percent.

5.4. Air Sealing.

Openings into dwellings and dwelling units shall be sealed to limit uncontrolled air movement.

5.4.1. Exterior doors, windows and skylights, openings where siding and chimneys meet, utility penetrations, electrical outlets, and other openings shall be weathertight.

5.4.1.1. Pads, door sweeps, weather stripping, and seals shall be used and maintained to minimize air leaks.

5.4.2. Openings separating an attached garage from a habitable room, including doors, ceilings, floors, and utility and ductwork penetrations, shall be sealed.

5.4.2.1. Any doorway between a habitable room and a garage shall be equipped with a wood door not less than 1 $\frac{3}{8}$ inches (35 mm) in thickness, a solid or honeycomb core steel door not less than 1 $\frac{3}{8}$ inches (35 mm) thick, or a 20-minute fire-rated door. The door shall have an automatic closing mechanism and be sealed with weather stripping.

5.4.2.2. There shall be no door, window, or other opening from a garage into a room used for sleeping purposes.

5.4.3. Heating and air conditioning system ductwork and air handling units located in an attached garage shall be correctly insulated and sealed.

5.4.3.1. There shall be no supply or return vent openings in a garage that connect to air handlers serving habitable spaces.

5.4.4. In a multifamily building, walls, ceilings, and floors that separate a dwelling unit from neighboring units, corridors, chases, stairwells, and other openings shall be sealed.

✔ **Stretch Provision:**

- Air handling equipment and associated ductwork shall be relocated from a garage to an area within the conditioned space.

6. MOISTURE CONTROL, SOLID WASTE, AND PEST MANAGEMENT

6.1. Moisture Prevention and Control.

Every foundation, roof, roofing component, exterior wall, door, skylight, and window shall be watertight, weathertight, free of persistent dampness or moisture, and in good condition.

6.1.1. The building's drainage system, such as footing or foundation drains, gutters, downspouts, rainwater collection containers, or other elements, shall direct water away from the structure.

6.1.2. Exterior wood surfaces shall be protected from the elements and decay by paint or other protective treatment. Weep holes in brickwork shall be left open.

6.1.3. Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water on the premises, within a crawlspace, or within the structure.

6.1.4. Interior and exterior surfaces and surface coverings, such as but not limited to carpet, wood, cellulose insulation, and paper, paint, and other wall coverings, including paper-faced gypsum board, shall have no signs of visible mold growth or chronic or persistent excessive dampness or moisture.

6.1.5. Building material that is discolored or deteriorated by mold or mildew or causes a moldy or earthy odor shall be cleaned, dried, and repaired. Structurally unsound material shall be removed and replaced.

6.1.5.1. Removal and repair of moldy material shall be conducted in accordance with New York City's Guidelines on Assessment and Remediation of Fungi in Indoor Environments, the Institute of Inspection, Cleaning, and Restoration Certification's IICRC S520 Standard and Reference Guide for Professional Mold Remediation, or the EPA guidelines for Mold Remediation in Schools and Commercial Buildings.

6.1.6. The underlying cause of excessive dampness or moisture, or moldy or earthy odor shall be investigated and corrected.

6.1.7. Cold HVAC and plumbing components and systems (e.g., chilled-water pipes and valves, refrigerant piping, and valves) in readily accessible locations shall be sufficiently and continuously insulated to keep the temperature of their surfaces at least 10° F (4° C) above the dew point of the surrounding air.

6.1.8. Unless the crawl space is sealed and insulated from the outdoors, the crawl space shall be free of high-moisture conditions or be separated from the dwelling by an air seal or other method suitable to the climate and conditions.

✓ **Stretch Provisions:**

- Exterior weather-resistant barrier systems shall be used to reduce potential for water leaks and moisture intrusion.
- Water/mold-resistant materials shall be used on bathroom walls and floors, showers, and other areas of the home that are likely to be exposed to moisture.
- In warm-humid and mixed-humid climates:
 - Exterior wall insulations shall not include a vapor barrier/retarder material on the interior side (such as plastic sheeting or foil facing), with the exception of closed-cell foam insulation (spray or rigid), kraft-faced insulation, and seasonally adjusting membranes.
 - There shall be no vinyl wallpaper or other impermeable interior finish on the interior surface of exterior walls within an air-conditioned dwelling.
 - Exterior drainable rigid insulation systems shall be used to reduce wall assembly condensation risk.
- The building and its systems shall meet the following moisture management criteria:
 - When the building is being mechanically cooled, ventilation air shall be dried to a dew point value below the building's dew point.
 - Condensation inside HVAC components and air distribution ductwork shall be drained to an appropriate sanitary drain or condensate collection system.

- Indoor surfaces of both occupied and unoccupied spaces shall not be cooled to temperatures so low as to create an average surface relative humidity (RH) of over 80 percent that lasts for more than 30 days on visible surfaces in occupied spaces and surfaces inside building cavities and unconditioned space.
- Indoor dew point shall be low enough to ensure no condensation occurs on the exposed surfaces of cool HVAC components or on building materials or furnishings.
- Humidifiers shall be sized, installed, and controlled so they do not overload the air with humidity, which increases the risk of condensation inside air distribution systems and exterior walls and roofing assemblies.

6.2. Solid Waste.

Every dwelling shall have adequate facilities for temporary storage of trash and recyclable materials.

6.2.1. There shall be trash containers outside the dwelling for the storage of trash awaiting collection or disposal. The total capacity of these facilities shall be sufficient to store occupants' trash between scheduled collection times, and shall be placed on a cleanable surface constructed to minimize spillage.

6.2.2. There shall be containers outside the dwelling for recyclable materials awaiting collection, with capacity sufficient to store occupants' recyclable materials between scheduled collection times.

✓ Stretch Provision:

- Exterior trash and recycling containers shall be placed at least 30 feet (nine meters) from the building, unless such space is not available.

6.3. Pest Management.

Integrated pest management (IPM) methods shall be used to maintain every dwelling free of infestation, openings that allow pest entry, conditions that harbor pests or provide them with food or water, and visible pest residue or debris.

6.3.1. A pest management professional who has an IPM certification or a person trained in IPM shall develop the IPM program for a multifamily building.

6.3.2. Every dwelling, premise, accessory structure, and fence shall be maintained in good repair, free of pest infestation, and inspected for pests and building conditions that attract and support pests.

6.3.2.1. There shall be no accumulation of trash, paper, boxes, lumber, scrap metal, food, or other materials that support rodent harborage in or about any dwelling or premises. Stored materials shall be placed in boxes or stacked in stable piles elevated at least six inches (152 mm) above the ground or floor and at least six inches (152 mm) from the walls. Stored materials shall not block any egress routes.

6.3.2.2. There shall be no trees, shrubs, or other plantings in the soil within six inches (152 mm) of any dwelling.

6.3.2.3. There shall be no accumulation of water in or about any dwelling or premises.

6.3.3. Every openable window and storm door shall be supplied with adequate screens to prevent the entry of pests.

6.3.4. There shall be no holes or open joints in exterior walls, foundations, slabs, floors, or roofs that equal or exceed one-eighth inch (3 mm).

6.3.4.1. The areas surrounding windows, doors, pipes, drains, wires, conduits, vents, and other openings that penetrate exterior walls shall be sealed with low-VOC caulk or closed-cell insulation.

6.3.5. Pest infestation and the underlying cause shall be eliminated using control methods consistent with IPM, such as exclusion, sanitation, and least-risk pesticides scaled to and designed for the targeted infestation.

6.3.5.1. Foggers and organic phosphates shall not be used to control or eliminate pests.

7. CHEMICAL AND RADIOLOGICAL AGENTS

7.1. General Requirements.

All chemical and radiological agents in dwellings, premises, and accessory structures, including but not limited to deteriorated lead-based paint, friable asbestos-containing material, formaldehyde, volatile organic compounds, radon, pesticides, and methamphetamine, shall be contained, stored, removed, or mitigated in a safe and healthy manner consistent with federal, state, and local laws and regulations. When an applicable regulatory limit is more protective than the level included in this section, the more restrictive limit shall apply.

7.2. Lead-Based Paint.

7.2.1. Lead levels at or above federal regulatory limits pursuant to 40 C.F.R. § 745.65 are deemed hazardous: (1) lead-based paint on an existing painted surface—0.5 percent by weight or 1.0 milligrams per square centimeter; (2) dust on floors—40 micrograms of lead per square foot of settled dust ($\mu\text{g}/\text{ft}^2$); (3) dust on interior window sills—250 $\mu\text{g}/\text{ft}^2$; (4) dust on window troughs (wells)—400 $\mu\text{g}/\text{ft}^2$; (5) bare soil in children's play areas—400 parts per million (ppm) of lead; and (6) bare soil in areas of the yard that are not children's play areas—1,200 ppm.

7.2.2. Painted surfaces shall be maintained intact. With the exception of paint that is tested and found not to contain lead-based paint in accordance with 40 C.F.R. § 745.82(a), deteriorated paint at a property built before 1978 shall be repaired in accordance with the renovation requirements of 40 C.F.R. § 745 Subpart E, and the underlying cause of the deterioration shall be corrected.

7.2.3. All renovation, repair, and painting work that disturbs a painted surface in a pre-1978 dwelling shall be performed in accordance with the renovation requirements of 40 C.F.R. § 745, Subpart E, unless the paint has been tested and found not to contain lead-based paint in accordance with 40 C.F.R. § 745.82(a). Dust clearance testing shall be performed at the conclusion of renovation work.

7.2.4. With the exception of paint that is tested and found not to contain lead-based paint in accordance with 40 C.F.R. § 745.82(a), a painted surface shall not be disturbed using methods that involve (1) open-flame burning or torching or operating a heat gun at temperatures above a maximum of 1,100° F (593° C); or (2) power sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting unless such machines have shrouds or containment systems and a High-Efficiency Particulate Air (HEPA) vacuum attachment that collects dust and debris at the point of generation. The shroud or containment system shall release no visible dust or air outside the shroud or containment system.

7.2.5. Lead-based paint shall not be applied to the interior or exterior surface of any dwelling or dwelling unit.

✓ **Stretch Provision:**

- Lead present at or above the following limits is deemed hazardous: (1) lead-based paint on a friction, impact, or chewable surface, damaged or otherwise deteriorated, or non-intact—0.06 percent by weight; (2) dust on floors—10 micrograms of lead per square foot of settled dust ($\mu\text{g}/\text{ft}^2$); (3) dust on interior window sills—100 $\mu\text{g}/\text{ft}^2$; and (4) 40 $\mu\text{g}/\text{ft}^2$ on porches.

7.3. Asbestos.

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

7.3.1. Friable asbestos-containing material shall be abated by licensed asbestos professionals in accordance with federal, state, or local requirements.

7.3.2. Any renovation, demolition, or other activity that will disturb asbestos-containing materials shall be preceded by asbestos abatement performed by certified asbestos professionals in accordance with federal, state, or local requirements.

7.3.3. Abatement, removal, and disposal of all asbestos-containing material shall comply with all appropriate federal, state, and local requirements.

7.4. Toxic Substances in Manufactured Building Materials.

7.4.1. Building materials consisting of hardwood plywood, medium-density fiberboard, and particleboard as defined by 15 U.S.C. 2697(b)(2) shall not be used in maintenance and renovations within dwellings, unless the materials have been certified to meet the formaldehyde emission standards of 15 U.S.C. 2697(b)(2):

- (1) Hardwood plywood with a veneer core, 0.05 parts per million (ppm);
- (2) Hardwood plywood with a composite core, 0.05 ppm;
- (3) Medium-density fiberboard, 0.11 ppm;
- (4) Thin medium-density fiberboard, 0.13 ppm; and
- (5) Particleboard, 0.09 ppm.

7.4.2. Building materials used in maintenance and renovations, including but not limited to paints, coatings, primers, glues, resins, adhesives, and floor coverings, shall be certified as having no volatile organic chemicals (VOCs) or low VOC emissions, and having no halogenated flame retardants (HFRs).

7.5. Radon.

Radon present at levels at or above the EPA action level of four picocuries radon per liter of air (pCi/L) in the lowest habitable level of the dwelling shall be deemed hazardous. Radon levels shall be determined by an approved testing method in accordance with state and local requirements. Radon levels exceeding four pCi/L shall be mitigated by a qualified radon mitigation professional who meets state and local requirements. If there are no state or local requirements qualifying radon testing and mitigation professionals, radon testing and mitigation shall be performed by a professional certified by a national private-sector radon proficiency program.

✓ **Stretch Provision:**

- Radon present at levels at or above two pCi/L in the lowest habitable level of the dwelling shall be deemed hazardous. Radon determined by an approved testing method to exceed two pCi/L shall be mitigated by qualified radon mitigation professionals in accordance with state and local requirements. If there are no state or local requirements qualifying radon testing and mitigation professionals, radon testing and mitigation shall be performed by a professional certified by a national private-sector radon proficiency program.

7.6. Pesticides.

Pesticides shall only be used in accordance with IPM methods discussed in Section 6.3, using the least toxic pesticide with demonstrated efficacy for the identified pest.

7.6.1. Pesticides shall be applied only in areas and at concentrations which comply with manufacturer specifications. When it is determined by an approved method that a hazardous amount of a pesticide has been applied in a location or at a concentration contrary to manufacturer specifications, the hazard shall be immediately mitigated.

7.6.2. Pesticides shall be stored and disposed in accordance with manufacturer specifications.

7.7. Methamphetamine.

A dwelling that has been used for methamphetamine manufacture shall be vacated until certified by an approved testing method as safe from hazardous materials related to the methamphetamine manufacturing process.

7.8. Smoke in Multifamily Housing.

7.8.1. Smoking shall be prohibited in all indoor common areas of multifamily buildings.

7.8.2. Smoking shall be prohibited in exterior areas less than 25 feet (762 cm) from building entrances, outdoor air intakes, and operable windows.

7.8.3. Tenants and prospective tenants shall be informed in writing of any applicable smoke-free policy and the location of designated smoke-free and smoking areas. Signs shall be posted in all designated areas.

7.8.4. Tenants who terminate a lease early due to incursion of tobacco smoke or the inception of a smoke-free policy shall be exempt from early termination penalties or security deposit forfeiture.

✓ **Stretch Provisions:**

- A property-wide policy shall be established in consultation with current tenants to designate exterior common areas where smoking shall be prohibited and areas where smoking shall be permitted.
- A property-wide policy shall be established in consultation with current tenants to designate dwelling units where tobacco smoking shall be prohibited.

Definitions

Accessory structure shall mean a detached structure, such as garage or shed, that is subordinate to the principal building(s) on the same premises.

Adequate shall mean sufficient to accomplish the purpose intended without unreasonable risk to human health or safety.

Approved shall mean established by the local or state authority having such administrative authority or determined by the designated official.

Asbestos shall mean chrysotile, amosite, crocidolite; or, in fibrous form, tremolite asbestos, anthophyllite asbestos, or actinolite asbestos.

Asbestos-containing material shall mean any material or product containing more than one percent asbestos.

Backdrafting shall mean improper venting of combustion appliances that causes combustion by-products or other gases to enter the indoor environment rather than to exhaust outdoors.

Balusters shall mean pillars or columns in a series supporting a rail or guard.

Basement shall mean a portion of a building located partly or entirely below grade.

Biological agent shall mean but not be limited to mold, infestation, human and animal waste, wastewater, sewage, rotting material, and accumulation of trash that may harbor viruses, parasites, fungi, and/or bacteria.

Bulk storage container shall mean a metal trash container that is more than 40 inches (102 cm) in height, has a capacity of more than two cubic yards (1.5 m³), and is equipped with fittings for hydraulic and/or mechanical emptying, unloading, and/or removal.

Carbon monoxide alarm shall mean an electronic device that measures the level of carbon monoxide gas in the air and is equipped with a sensor that activates an audible alarm when an amount of carbon monoxide above the device's threshold level accumulates in the area in which the alarm is located.

Chemical agent shall mean chemicals that have the potential to cause adverse health effects.

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

Class ABC fire extinguisher shall mean a fire extinguisher capable of putting out (1) fires in ordinary combustible materials, such as wood, cloth, paper, rubber, and many plastics (Class A); (2) fires in flammable liquids, combustible liquids, petroleum greases, tars, oils, oil-based paints, solvents, lacquers, alcohols, and flammable gases (Class B); and (3) fires that involve energized electrical equipment (Class C).

Cleanable shall mean moisture-resistant, free from cracks, pitting, chips, or tears, and designed to be cleaned frequently.

Climate Zone 1 shall mean the geographic region designated by the International Energy Conservation Code that receives each year at least 5,000 cooling degree days, which are calculated by multiplying temperature differences above 50 degrees Fahrenheit by the amount of time such higher temperatures are reached.

Common areas shall mean areas within multifamily housing that are designated for use by all occupants, owners, tenants, or users of a building or building complex, including but not limited to corridors, hallways, lobbies, parking areas, laundry rooms, recreational spaces, pools, and exterior property.

Dwelling shall mean any building wholly or partly used or intended to be used for living, sleeping, cooking, and eating.

Dwelling unit shall mean a room or group of rooms used or intended to be used for living, sleeping, cooking, and eating by one or more individuals living together as a single household.

Egress shall mean the path available for a person to leave a building. This route shall be unobstructed, and doors along this route cannot be subject to locking from the side to which people will be leaving.

Electrical system shall mean a system that makes electricity available in a building and distributes it through outlets and lighting fixtures for occupant use.

Emergency escape and rescue opening shall mean an operable window, door, or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

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

Formaldehyde shall mean the colorless, flammable carcinogenic chemical, an organic compound with the formula HCHO , which is used in the manufacture of building materials (e.g., pressed wood products) and household products. Federal limits for formaldehyde emissions from building materials (hardwood plywood, medium-density fiberboard, and particleboard) were established in 15 U.S.C. 2697(b) (2).

Friable shall mean asbestos-containing material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

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

Graywater system shall mean a system for collecting household waste water from plumbing fixtures other than toilets and treating it for non-potable reuse.

Guard shall mean a building component or a system of building components located near the open sides of elevated walking surfaces or adjacent to a window that minimizes the possibility of a fall from the walking surface or window to the lower level.

Habitable room shall mean an enclosed floor space used or intended to be used for living, sleeping, cooking, or eating, and excluding bathrooms, toilet rooms, laundries, furnace rooms, pantries, kitchenettes, utility rooms, foyers, communicating corridors, stairways, closets, storage spaces, workshops, or rooms with less than 70 ft^2 (6.5 m^2) of floor space.

Handrail shall mean a horizontal or sloping rail intended for grasping by the hand for guidance or support.

Harborage shall mean any conditions or place where pests can obtain water or food, nest, or obtain shelter.

Healthy: See “safe and healthy.”

Heating system shall mean facilities that, for the purpose of maintaining thermal comfort during cold weather, heat air or water through a furnace or heat pump and distribute such heat through vents, ducts, pipes, or radiators, or hardwired electrical heaters. Neither a cooking appliance nor a portable, unvented fuel-burning space heater is a heating system.

Infestation shall mean the recurrent presence of any life stages of a pest that presents a hazard to humans, property, or the environment.

Insects shall mean all species of classes of Arachnida and Insecta (Hexapoda) of the phylum Arthropoda and includes but is not limited to flies, mosquitoes, bed bugs, crickets, cockroaches, moths, bees, wasps, hornets, fleas, lice, beetles, weevils, gnats, ants, termites, mites, ticks, spiders, and scorpions.

Integrated pest management shall mean a systematic strategy for managing pests that consists of prevention, exclusion, monitoring, and suppression of pests. Where chemical pesticides are necessary, a preference is given to materials and methods that maximize safety and reduce environmental health risk. Methods to manage pests include eliminating their harborage places; removing or making inaccessible their food and water sources; routine inspection and monitoring; identification of evidence found; treatment that is scaled to and designed for the infestation; using the least-toxic pesticide for the identified pest; and follow-up inspection until the infestation is gone. Low-toxicity pesticide products are labeled with the signal word of CAUTION while WARNING, DANGER, and POISON indicate higher levels of toxins.

L_{dn} (day-night equivalent sound level) shall mean a weighted average sound level measured over a 24-hour period with adjustments anticipating reduced levels during evening and night hours to factor occupants' extra sensitivity to noise during those time periods.

LA_{eq} shall mean an average sound level measured over a specified period.

Lead-based paint shall mean equal to or greater than 1.0 milligram lead per square centimeter or 0.5 percent lead by weight for existing surfaces, paint, or other surface coatings, and equal to or greater than 90 parts per million (ppm) or .009 percent lead for paint and other surface coatings at the point of purchase.

Lead-based paint hazard shall mean any deteriorated lead-based paint, dust-lead hazard, soil-lead hazard, lead-based paint present on chewable surfaces with teeth marks, or lead-based paint present on friction surfaces, in accordance with 40 C.F.R. § 745.65.

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

Long-lasting battery shall mean a battery having a life of ten or more years.

Methamphetamine shall mean the synthetic drug with more rapid and lasting effects than amphetamine, sometimes used or manufactured illegally as a stimulant.

Mixed-humid climate shall mean a region that receives more than 20 inches (50 cm) of annual precipitation, has approximately 5,400 heating degree days (65° F or 18° C basis) or fewer, and where the average monthly outdoor temperature drops below 45° F (7° C) during the winter months. The U.S. counties located in a warm-humid climate are identified by Building America.

Mold shall mean a growth that a fungus produces on damp or decaying organic matter or on living organisms.

Multifamily housing shall mean any dwelling containing more than two dwelling units.

Occupant shall mean any individual living, sleeping, cooking, or eating in and having possession of a dwelling or dwelling unit.

Owner shall mean any person who alone, jointly, or severally with others, has legal title to the premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; has charge, care, or control of any premises, dwelling, or dwelling unit, as owner, agent of the owner, or other person; is executor, administrator, trustee, or guardian of the estate of the owner; is a mortgagee in possession; or is the senior officer or trustee of the association of unit owners of a condominium.

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.

Pesticide shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant.

Pests shall mean insects, rodents, or other vermin.

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

Potable water shall mean water that complies with the maximum contaminant limits of the United States Environmental Protection Agency (EPA) or a regulatory limit that is more protective than EPA's.

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

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

Properly connected shall mean installed in accordance with all applicable codes and ordinances, and in good working order and not constituting a hazard to life or health.

Radon shall mean the odorless, tasteless, and invisible gas found in both outdoor air and indoor air that is a form of ionizing radiation produced by the decay of uranium in soil and water.

Recyclable materials shall mean disposable products composed of glass, metal, paper, plastic, and similar content that can be processed to produce a new supply of the same material or be reused in the production of other materials.

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

Rodent shall mean any member of the order Rodentia, including but not limited to field and wood mice, woodrats, squirrels, woodchucks, gophers, Norway rats (*Rattus norvegicus*), roof rats (*Rattus rattus*), and house mice (*Mus musculus*).

Safe and healthy shall mean the condition of being free from danger and chemical, biological, and physical agents that may cause injury, disease, or death; and fit for human occupancy.

Smoke shall mean emissions from a lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted biomass-burning substances such as but not limited to tobacco, marijuana, and incense.

Smoke detector shall mean a device that is equipped to activate an audible alarm when it detects the presence of combustion products in air.

Space heater shall mean a self-contained convection or radiant heater designed to heat a room, two adjoining rooms, or some other limited space or area.

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

Toilet room shall mean a room containing a water closet or urinal but not necessarily a bathtub or shower.

Trash shall mean garbage, refuse, or ashes.

Trash container shall mean a container with a tight-fitting lid that is constructed of metal or other durable material that is impervious to rodents, insects, and handling stress; and is capable of being filled, emptied, and cleaned without creating unsanitary conditions.

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

Unblockable drain shall mean a pool, spa, or whirlpool drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

Ventilation system shall mean the natural or mechanical process of supplying or removing conditioned or unconditioned air to or from a space.

Volatile organic compounds, or VOCs, shall mean organic chemical compounds whose composition makes it possible for them to evaporate under normal indoor atmospheric conditions of temperature and pressure.

Walk-off mat shall mean a coarse-ribbed or plush-surfaced mat with nonslip backing placed inside or just outside building entrances designed to capture dirt, water, and other materials tracked inside by people and equipment.

Warm-humid climate shall mean the region where either of the following conditions occurs: (1) 67° F (19.4° C) or higher wet bulb temperature for 3,000 or more hours during the warmest six consecutive months of the year; or (2) 73° F (22.8° C) or higher wet bulb temperature for 1,500 or more hours during

the warmest six consecutive months of the year. The U.S. counties located in a warm-humid climate are identified in Figure 301.1 and Table 301.1 of the 2012 International Energy Conservation Code.

Waterproof shall mean impervious to water.

Watertight shall mean closely sealed, fastened, or fitted so that no water enters or passes through the surface.

Weathertight shall mean secure against penetration by air, wind, rain, snow, and other weather conditions.

Interpretation of Terms:

Where the words "dwelling," "dwelling unit," "premises," and "structure," or a particular building component are used in this Standard, 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.

Annotated Standard: Requirements and Stretch Provisions with Rationales, References, and Resources

1. DUTIES OF OWNERS AND OCCUPANTS

1.1. Duties of Owners.

The owner has the duty to ensure that the structure, dwelling, dwelling unit, common areas, and premises are maintained in a safe and healthy condition, in compliance with this Standard and other applicable requirements.

1.1.1. The owner shall ensure the collection of trash and recyclables and provide and maintain trash containers, bulk storage containers, recycling containers, and areas where the containers are stored.

1.1.2. The owner shall maintain the building and premises to keep pests from entering the building and dwelling units, inspect and monitor for pests, and eliminate pest infestation in accordance with integrated pest management methods.

1.1.3. The owner shall provide occupants with at least 48 hours written notice of the planned use of a chemical agent such as a pesticide or herbicide, the date and location of application, and a copy of the warning label.

1.1.4. The owner shall not cause or allow any water, sewage, electrical, or gas service, facility, or equipment required for safe and healthy occupancy to be removed, shut off, or discontinued for any occupied dwelling, except for such temporary interruption as may be necessary while repairs or alterations are being performed, or during temporary emergencies requiring discontinuance of service. This provision does not apply where the occupant has contractual control over the service and shall not be interpreted as preventing a utility company from discontinuing service for reasons allowed by law.

1.1.5. The owner shall investigate occupant reports of unsafe or unhealthy conditions, respond in writing, and make needed repairs in a timely manner.

1.2. Duties of Occupants.

The occupant shall properly use and operate the dwelling unit and owner-supplied fixtures and facilities controlled by the occupant in order to maintain a safe and healthy environment within the dwelling unit, and report unsafe or unhealthy conditions, including breakdowns, leaks, and other problems requiring repair to the owner in a timely manner.

1.2.1. The occupant shall place trash and recyclables in the appropriate containers.

1.2.2. The occupant shall work with the owner to ensure pest-free conditions in accordance with integrated pest management.

1.2.3. If the occupant's action leads to pooling of water or another excessive moisture problem inside the dwelling unit, the occupant shall clean up and dry out the area in a timely manner.

2. STRUCTURE, FACILITIES, PLUMBING, AND SPACE REQUIREMENTS

2.1. Structure.

Requirement:

Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, porch, trim, accessory structure, fence, door, window, and window glass shall be safe to use and capable of supporting the intended design loads and load effects and shall be in good condition.

Rationale:

The structure of a dwelling is complex. Its different parts must all be adequately designed and properly maintained to ensure that the habitable space is safe and healthy. The structure of a dwelling is dependent on foundation and footing, vapor barriers, house framing, roof framing, roofs, exterior walls, and trim components that are maintained in good condition. Poor construction of the structure can result in several negative consequences, including dampness or condensation; poor energy efficiency; excessive noise; structural damage, such as cracks in walls, open joints, and loose roofs, which allows pest intrusion; and collapse of building components, such as fixtures, flooring, lighting and cabinets, which can lead to poor health, injuries, or even death. Structural deficiencies in a dwelling can cause falls, fires, burns and scalds, carbon monoxide and other poisoning, drowning, and other injuries.

References:

- Jacobs, D. E. & Baeder, A. (2009). Housing interventions and health: A review of the evidence. Columbia, MD: National Center for Healthy Housing. Retrieved from <http://www.nchh.org/LinkClick.aspx?fileticket=2lvaEDNBldU%3d&tabid=229>
- U.S. Centers for Disease Control and Prevention and U.S. Department of Housing and Urban Development. (2006). Healthy housing reference manual. Retrieved from www.cdc.gov/nceh/publications/books/housing/housing.htm
- U.S. Department of Housing and Urban Development—Office of Healthy Homes and Lead Hazard Control. (2010). Healthy home rating system—Operating guidance. Retrieved from http://portal.hud.gov/hudportal/documents/huddoc?id=operating_guidance_hhrs_v1.pdf

2.2. Facilities.

Requirement:

Every plumbing fixture and pipe, chimney, flue, smoke pipe, and every other facility, piece of equipment, or utility shall be installed in conformance with applicable statutes, ordinances, and regulations.

2.2.1. Mechanical, utility, and heating equipment shall be separated from habitable rooms. In multifamily buildings, equipment rooms shall be locked.

Rationale:

Housing facilities in disrepair are likely to cause health burdens as a result of plumbing leaks and chimney, flue, and smoke pipe malfunctions. Chimneys in poor condition can cause condensation buildup within the chimney, which can lead to deterioration and eventually chimney collapse. Additionally, carbon monoxide and other combustion-related hazards that leak through gaps and cracks can cause lasting damage to a resident's health. Fire outbreaks can also start in chimneys and lead to serious injuries or death.

References:

Chimney Safety Institute of America. (2013). Safe home heating—avoiding carbon monoxide hazards. http://www.csia.org/homeowner-resources/Avoiding_Carbon_Monoxide_Hazards.aspx

2.3. Plumbing System.

Requirement:

Every plumbing fixture, stack, vent, water, waste, and sewer pipe shall be properly installed, maintained in a safe and functional order, and kept free from obstructions, leaks, and defects.

2.3.1. An approved potable water supply system shall provide an adequate amount of running water under pressure to all fixtures simultaneously.

2.3.2. An adequate supply of heated running water under pressure shall be supplied to sinks, bathtubs, showers, and laundry facilities. Water heaters shall be set at a minimum temperature of 110° F (43° C). At bathtub faucets and shower heads, the maximum temperature shall be 120° F (49° C). Heated water shall be provided by either a tank-type or tankless water heater. A tank-type water heater shall have a temperature/pressure relief valve that discharges to a drip pan, storage tank, or the outside. The temperature of water discharged from a tankless water heater shall not exceed 140° F (60° C).

2.3.3. Every waste pipe shall be connected to a public sewer system, an approved private sewage disposal system, or the dwelling's graywater system. No toilet waste pipe shall be connected to a graywater system. The drainage system shall have a cleanout.

2.3.4. Faucet discharge points shall be located above the overflow rim of sinks, tubs, or other fixtures that collect water.

 Stretch Provisions:

- Bathtub and shower faucets shall have anti-scald devices, such as an automatic temperature control mixing valve, water temperature limiting device, or temperature-actuated flow reduction valve.
- Each dwelling unit in multifamily housing shall have a separate meter for water supplied to the unit.
- Multifamily housing with one or more central water heaters shall comply with ASHRAE Standard 188P to assess and manage the risks associated with Legionella in building water systems.
- A private water supply shall be tested annually to ensure that water does not have biological or chemical contaminants.
- If there is a suspected risk of excessive lead in drinking water supplied by a public water utility, the water shall be tested. The risk factors shall include, but are not limited to, presence of an occupant with a blood lead level of five micrograms per deciliter or more, pipes made of lead or leaded brass, test results indicating that the lead level in the public water supply exceeds federal limits, and plumbing repair work that has disturbed water supply components (such as faucets, valves, pipes, meters, pressure regulators, backflow preventers, lead-soldered joints, or service lines). If the lead level in the water sample exceeds 15 parts per billion, there shall be an investigation of the possible sources(s) to determine the appropriate course of action. If warranted, lead and brass-containing components shall be replaced.

Rationale:

Plumbing leaks may cause mold growth on building materials. People who are exposed to molds may experience nasal and eye irritation, respiratory and allergic diseases, and asthma exacerbation. Damp conditions may magnify levels of biological agents, such as dust mites, bacteria, and cockroaches. The containment of household sewage is instrumental in protecting the public from waterborne and vector-borne diseases. Water at 140° F (60° C) can result in a second-degree burn after three seconds and a third-degree burn after five seconds. The long-term effects of scalds can include disability, disfigurement, or psychological harm and repeated skin grafts. Exposure to hazards in drinking water must be averted to prevent lead poisoning, Legionella, and other diseases caused by waterborne biological and chemical agents.

References:

- American Society of Heating, Refrigerating, and Air-Conditioning Engineers. (2011). Standard 188P (draft): Prevention of Legionellosis associated with building water systems. Retrieved from <https://osr.ashrae.org/Public%20Review%20Draft%20Standards%20Lib/Std-188P-PPR2%20Final%206%2010%202011.pdf>
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- U.S. Environmental Protection Agency. (2011, April). Problems with pinhole leaks in your copper water pipes. EPA Science Matters. Retrieved from <http://www.epa.gov/sciencematters/april2011/leaks.htm>
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Resources:

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- Connecticut Department of Public Health. (2013). Private drinking water in Connecticut. Retrieved from http://www.ct.gov/dph/lib/dph/environmental_health/eoha/pdf/24_residential_drinking_water_well_testing.pdf

2.4. Kitchen.

Requirement:

Every dwelling unit shall have a kitchen equipped with the following:

2.4.1. A kitchen sink in good working condition that is properly connected to heated and unheated water supplies and waste pipes. Any provided dishwasher and components of the sink, including disposal and water filtration devices, shall be in good working condition and properly connected.

2.4.2. A counter for food preparation and cabinets and/or shelves sufficient to store occupants' food that does not require refrigeration and eating, drinking, and food preparation equipment. Cabinets shall have tight-fitting doors and no gaps between any surfaces. The counter, countertop edges, cabinets, and shelves shall be of sound construction and furnished with surfaces that are impervious to water, smooth, and cleanable.

2.4.3. A range for cooking food. The range shall be properly installed with all necessary connections for safe and efficient operation and shall be maintained in good working condition.

2.4.3.1. The range shall include an oven unless both a separate oven, other than a microwave oven, and a cooktop are provided. A hot plate is not an acceptable substitute for burners on a range or cooktop. The range or cooktop shall have a vertical clearance of not less than 30 inches (762 mm) from above its surface to unprotected combustible material. Reduced clearances are permitted in accordance with the listing and labeling of the range hood.

2.4.3.2. Ventilation for the range shall be provided in accordance with Subsection 5.3.

2.4.4. A refrigerator with a freezer. The refrigerator shall be in good working condition, of sufficient size to store occupants' food that requires refrigeration, and capable of maintaining a temperature less than 41° F (6° C) but more than 32° F (0° C). The freezer section shall be capable of maintaining a temperature below 0° F (-18° C).

2.4.4.1 If the lease does not provide for a refrigerator, adequate connections for the occupant's installation and operation of a refrigerator shall be provided.

2.4.5. A kitchen floor in good condition with a sealed, water-resistant, nonabsorbent, and cleanable surface.

✓ Stretch Provisions:

- Cabinets and countertops shall be constructed of materials that are rated No-Added Formaldehyde (NAF) or Ultra-Low-Emitting Formaldehyde Resins (ULEF).

- Wall surfaces immediately adjacent to the range, sink, and counter shall be covered with an impervious finish.
- The joints where a wall meets a cabinet or counter, and where a counter meets a stove or sink, shall be sealed or covered to permit thorough cleaning and deter pests.
- Enclosed cabinets (as opposed to a combination of shelves and cabinets) sufficient to store occupants' food that does not require refrigeration shall be provided.
- Freestanding stoves shall have brackets to prevent tip-over.

Rationale:

Properly designed kitchens enable the safe and hygienic preparation and cooking of food and reduce the risk of food poisoning. Damp, unmaintained surfaces may deteriorate, causing increased chance of growth of biological agents, presenting a risk of food contamination and food poisoning. Kitchen floors that are impervious to water and capable of being cleaned and maintained prevent the accumulation of dirt, moisture, and biological agents.

References:

- California Air Resources Board. (n.d.). No-added formaldehyde and ultra low emitting formaldehyde resins. http://www.arb.ca.gov/toxics/compwood/naf_ulef/naf_ulef.htm
- International Code Council. (2012). International residential code, § M1901.1.
- U.S. Department of Housing and Urban Development—Office of Healthy Homes and Lead Hazard Control. (2010). Healthy home rating system—Operating guidance. Retrieved from http://portal.hud.gov/hudportal/documents/huddoc?id=operating_guidance_hhrs_v1.pdf

2.5. Bathroom.

Requirement:

Every dwelling unit shall have a private bathroom equipped with the following:

2.5.1. A toilet in good working condition that is sealed to the waste pipe and affixed to the floor and properly connected to both the dwelling's water supply and a waste pipe leading to an approved sewage system or private waste disposal system.

2.5.2. A sink in good working condition, with a stable connection to the wall or secure attachment to the floor that is properly connected to the heated and unheated potable water supply and a sealed trap leading to a waste pipe.

2.5.3. A bathtub or shower in good working condition that is properly connected to the heated and unheated potable water supply and a waste pipe. The bottoms of bathtubs and shower floors shall have permanent or removable nonslip surfaces.

2.5.4. Cleanable nonabsorbent water-resistant material on floor surfaces and extending on bathroom walls at least 48 inches (122 cm) above a bathtub and 72 inches (183 cm) above the floor of a shower stall. Such materials on walls and floors shall form a watertight joint with each other and with the bathtub or shower.

2.5.5. Ventilation for the bathroom provided in accordance with Subsection 5.3.

 Stretch Provisions:

- Grab bars shall be firmly anchored to the wall adjacent to each bathtub, shower, and toilet in accordance with the Americans with Disabilities Act Design Guidelines.
- Tub and shower enclosures composed of tile or panel assemblies with caulked joints shall be installed over moisture-resistant backing material, such as cement board. Paper-faced wallboard shall not be used behind such tub and shower enclosures. Monolithic tub and shower enclosures (e.g., fiberglass with no seams) are exempt from these limitations unless required by the manufacturer.

Rationale:

Poorly maintained bathrooms can cause water damage, mold growth, and associated health issues. Exposure to bathroom-related biological agents can cause respiratory and gastrointestinal symptoms. People who are exposed

to molds may experience nasal and eye irritation, respiratory and allergic diseases, and asthma exacerbation. Structural deficiencies in the bathroom, such as the lack of grab bars and nonslip surfaces, may lead to falls, especially among young children and older adults. Children under the age of five years are most likely to fall in the bathroom, but older adults experience greater injuries. The most common injuries resulting from falls associated with a bath, shower, or similar facility are cuts or lacerations, swelling or bruising, or fractures. Outcomes from a bathroom fall are likely to be more severe than in other areas, because of the many hard projections and surfaces found in bathrooms and the fact that the user may be unprotected by clothing.

References:

- Cutbill, M. (1982). Analysis of accidents located in the bathroom. London, U.K.: Department of Trade and Industry. As cited in U.S. Department of Housing and Urban Development—Office of Healthy Homes and Lead Hazard Control. (2010). Healthy home rating system—Operating guidance. Retrieved from http://portal.hud.gov/hudportal/documents/huddoc?id=operating_guidance_hhrs_v1.pdf
- DiGuseppi, C., Jacobs, D. E., Phelan, K. J., Mickalide, A. D., & Ormandy, D. (2010, September). Housing interventions and control of injury-related structural deficiencies: A review of the evidence. *Journal of Public Health Management Practice*, S32–S41.
- International Code Council. (2012). International building code, § 1210.2.
- NYC Mayor’s Office for People with Disabilities. (2010, September). Inclusive design guidelines. Available at: <http://shop.iccsafe.org/inclusive-design-guidelines-new-york-city-1.html>
- U.S. Department of Justice. (2010). Americans with Disabilities Act standards for accessible design. §609. Retrieved from <http://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm#Bars>
- World Health Organization. (2010). Technical and policy recommendations to reduce health risks due to dampness and mould. Copenhagen: World Health Organization Regional Office for Europe. Retrieved from http://www.euro.who.int/_data/assets/pdf_file/0015/121425/E92998.pdf
- World Health Organization. (2009). WHO guidelines for indoor air quality: Dampness and mould. Retrieved from http://www.euro.who.int/_data/assets/pdf_file/0017/43325/E92645.pdf

2.6. Minimum Space.

Requirement:

The dwelling shall provide privacy and adequate space for sleeping and living.

2.6.1. A bedroom shall not be the only passageway to the only bathroom in a dwelling unit with more than one bedroom.

2.6.2. A bathroom or toilet room shall not be the only passageway to any habitable room, hall, basement, or the exterior of the dwelling.

2.6.3. Every habitable room shall have a minimum floor area of 70 ft² (6.5 m²).

2.6.4. Every dwelling shall have closet space or other storage space to store occupants’ clothing and personal belongings.

2.6.5. The ceiling height of any habitable room shall be at least 84 inches (213 cm). In a habitable room with a sloping ceiling, at least one-half of the floor area shall have a ceiling height of at least 84 inches (213 cm). If any part of a room has a ceiling height lower than 60 inches (152 cm), its floor area shall not be considered when computing the floor area of the room.

2.6.6. A habitable room located partly or totally below grade shall be provided with natural light by windows in accordance with Subsection 4.3, and ventilation in accordance with Subsection 5.3. In such a room, the ceiling and any ducts, pipes, and other obstructions shall be at least 84 inches (213 cm) above the floor throughout the room, and walls and floors shall be waterproof and free of dampness.

Rationale:

Privacy is a necessity to people, to some degree and during some periods. There should be sufficient space to provide for social interaction between members of the household, while allowing for private time away from other household members. Personal space and privacy needs are important for the individual members of the same household as well as for individuals or households sharing rooms and/or facilities. Providing adequate enclosed floor space for living, sleeping, cooking, or eating and storage helps prevent clutter and provides privacy to promote healthy living. Pest harborage, psychological distress, and injury hazards may result from clutter. Where units with rooms meeting the minimum floor area requirement are unavailable or unaffordable, it may be necessary to deviate from minimum room size.

References:

- Housing Corporation and Care Service Improvement Partnership. (2006). Good housing and good health? Retrieved from http://www.healthimpactproject.org/resources/document/Good_housing_and_good_health.pdf
- International Code Council. (2012). International property maintenance code, §§ 404.4.3, 404.3.
- MidWestPlanService. (2006). The house handbook: Guidelines for building or remodeling your home. Ames, IA: Iowa State University.
- Office of the Deputy Prime Minister. (2004, May). The impact of overcrowding on health & education: A review of the evidence and literature. London: Office of the Deputy Prime Minister. Retrieved from <http://dera.ioe.ac.uk/5073/>
- U.S. Department of Housing and Urban Development—Office of Healthy Homes and Lead Hazard Control. (2010). Healthy home rating system—Operating guidance. Retrieved from http://portal.hud.gov/hudportal/documents/huddoc?id=operating_guidance_hhrs_v1.pdf

2.7. Floors and Floor Coverings.

Requirement:

Floors and floor coverings shall be attached at each threshold, maintained in safe and healthy condition, capable of being cleaned, and free of bulges and buckling. Carpets shall have no tears, folds, or bumps.

✓ Stretch Provisions:

- Floor coverings shall consist of low-pile carpet or nonabsorbent material such as hardwood, tile, or resilient flooring. Carpet and other floor coverings shall be certified as having low volatile organic compound (VOC) emissions, and any adhesives, padding, or other materials used in installing the floor covering shall be certified as having no VOCs or low VOC emissions, and having no perfluorocarbons or halogenated flame retardants.
- Walk-off entry mats shall be provided inside or outside each entryway that leads to the outdoors.

Rationale:

Worn carpet that is poorly maintained can pose slip, trip, and fall hazards. Carpet in poor condition may also be a source of chemical and biological agents that become lodged in the carpeting. Worn carpeting is difficult to vacuum adequately. Cleanable floors in good condition are less likely to accumulate dirt, moisture, and chemical and biological agents. Volatile organic compounds (VOCs) contribute significantly to unhealthy indoor air quality. VOC sources are not limited to the flooring itself, but also include glues, padding, and other materials used in installation. Perfluorocarbons (PFCs), which are linked to a range of developmental disorders and other adverse effects, were added to carpets for stain resistance until U.S. manufacturers voluntarily discontinued their use in 2006.

References:

- California Department of Public Health. (2010). Emission testing method for California specification 01350: Standard method for the testing and evaluation of volatile organic chemical emissions from indoor sources using environmental chamber. Retrieved from http://standards.nsf.org/apps/group_public/download.php/19152/CDPH%2001350%20V1-1.pdf
- Carpet and Rug Institute. (n.d.). Residential: Green label/green label plus. Retrieved from <http://www.carpet-rug.org/residentialcustomers/selecting-the-right-carpet-or-rug/green-label.cfm>

- Environmental Working Group. (2003). PFCs last forever. Retrieved from <http://www.ewg.org/research/pfcs-global-contaminants/pfcs-last-forever>
- Lewis, R. D., Breyse, P. N., Lees, P. S. J., Diener-West, M., Hamilton, R. G., & Eggleston, P. (1998, September). Factors affecting the retention of dust mite allergen on carpet. *American Industrial Hygiene Association Journal*, 59(9), 606–613. Retrieved from <http://www.ncbi.nlm.nih.gov/pubmed/9778820>
- National Center for Healthy Housing. (2008). Carpets and healthy homes. Retrieved from <http://www.nchh.org/Portals/0/Contents/CarpetsHealthyHomes.pdf>
- Scientific Certification System. (n.d.). FloorScore®. Retrieved from <http://www.scsglobalservices.com/floorscore>
- U.S. Environmental Protection Agency. (2013, September). Significant new uses: Perfluoroalkyl sulfonates and long-chain perfluoroalkyl carboxylate chemical substances. Retrieved from <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPPT-2012-0268-0034>

2.8. Noise.

Requirement:

The structure and facilities shall be maintained so that the noise level in the interior of the dwelling unit caused by exterior sources is below 45 dB L_{dn} (day-night equivalent sound level).

✓ Stretch Provisions:

- Nighttime noise levels within bedrooms shall not exceed 30 dB LA_{eq} measured over eight hours.
- HVAC equipment, including intermittent ventilation fans, shall operate at a noise level that creates no more than 45 dB L_{dn} in habitable rooms.
- Wall and ceiling assemblies shall meet performance standards to attenuate exterior sound reaching occupants or be constructed using materials with sound-dampening acoustical properties.
- Roof material, chimney baffles, exterior doors, mail slots, attic ventilation ports, wall-mounted air conditioners, and other building components that have the potential to admit excessive noise shall be configured to minimize sound intrusion.
- Windows shall be sealed, made weathertight, and caulked to minimize sound intrusion when closed.

Rationale:

The World Health Organization (WHO) has identified and documented seven categories of adverse health effects of noise pollution on humans: hearing impairment, speech intelligibility, disturbances in sleep and cardiovascular function; mental health, negative social behavior and annoyance reactions, and impaired task performance. The negative health impacts of noise are related to the total noise exposure experienced from all noise sources in the environment and can lead to a combination of these different negative impacts. Additionally, noise exposure disproportionately impacts certain segments of the population. Infants, children, those with mental or physical illnesses, and the elderly are particularly vulnerable to noise pollution.

References:

- Berglund, B., Lindvall, T., & Schwela, D. (1999). *Guidelines for community noise*. Geneva: World Health Organization. Retrieved from who.int/docstore/peh/noise/guidelines2.html
- Hagler, L. (1999). Summary of adverse health effects of noise pollution. Retrieved from <http://www.noiseoff.org/document/who.summary.pdf>
- Harris, D. A. (1997). *Noise control manual for residential buildings*. New York, NY: McGraw-Hill Professional.
- State of California. (1974). Health and safety code. §17922.6, Noise insulation standards.

Resources:

- Standard for Maximum Interior Noise Level, 24 C.F.R. § 51.101(a)(9) (1998).
- U.S. Department of Housing and Urban Development. (n.d.). Sound transmission class guidance. Retrieved from http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_16419.pdf

3. SAFETY AND PERSONAL SECURITY

3.1. Egress.

Requirement:

In accordance with local fire codes, every dwelling unit shall have at least two means of egress that serve as emergency escapes and rescue openings. Each egress shall lead outside without passing through another dwelling unit.

3.1.1. Egress routes shall be unobstructed. Doors along egress routes shall be openable from the inside without the use of a key or tool.

3.1.2. Any bedroom located below the fourth floor shall be provided with an exterior window openable from the inside that can be used as a means of emergency egress.

3.1.3. If a habitable room partly or totally below grade is intended for sleeping purposes, at least one exterior window shall be openable from the inside and accessible for easy and ready use as an emergency exit. The window shall have the following minimum dimensions: a net clear opening of 5.7 ft² (0.53 m²); 24 inches (61 cm) from the top of the sill to the bottom of head of the window frame; a width of 20 inches (51 cm); and a sill height of not more than 44 inches (112 cm) from the floor.

3.1.3.1. If the window opening sill height is below ground elevation, the horizontal dimension (width times projection) of the window well shall be at least nine ft² (0.84 m²) and the horizontal projection shall extend at least 36 inches (91 cm) from the exterior side of the window.

3.1.3.2. If the egress window well is deeper than 44 inches (112 cm) below ground elevation, there shall be steps or a ladder permanently attached to serve as an emergency exit to ground elevation. The distance between steps or rungs shall be 18 inches (46 cm), their width shall be at least 12 inches (31 cm), and their projection from the wall shall be between three and six inches (7.6 and 15 cm).

3.1.3.3. A door leading directly from the room to the outside that provides an exit at grade level shall fulfill this requirement.

Rationale:

Escape from fire is an important public safety protection. Proper configuration of egress will prevent falls that can result in physical injury, such as bruising, fractures, head, brain, and spinal injuries; allow the timely evacuation of residents in an emergency; and permit entry by rescue workers wearing emergency equipment on their backs.

References:

- International Code Council. (n.d.). Accessible means of egress. Retrieved from <http://www.iccsafe.org/safety/Documents/MeansofEgressBroch.pdf>
- International Code Council. (2012). International fire code, Chapter 10.
- International Code Council. (2012). International residential code, §§ 310, 311.

3.2. Locks/Security.

Requirement:

Means of egress (i.e., windows and/or doors) from dwellings shall have locks.

3.2.1. Following each change in tenancy, the locking devices on the dwelling unit entry doors shall be changed.

3.2.2. Dwelling unit entry doors shall be equipped with a dead bolt lock with a minimum throw of one inch (2.54 cm) that is capable of being opened from the interior side without a key and a device that permits the occupant to see a person at the entry door without fully opening the door.

3.2.3. Exterior doors on multifamily buildings with a common entry that leads into a foyer or hallway shall have a self-closing mechanism and shall be equipped with a locking device capable of being opened from the interior side without a key.

3.2.4. Exterior windows that are capable of being opened and are potential means of entry shall be equipped with a lock on the interior side.

Rationale:

Inadequate home security may result in a fear of a possible burglary occurrence or recurrence, stress caused by a burglary, and injuries caused to occupants by an intruder (aggravated burglary). The most common harm suffered as a result of burglary or fear of burglary is emotional stress. The emotional impact is greater for burglaries where there is successful entry to the dwelling. The risk of entry increases with declining levels of security.

References:

- U.S. Department of Housing and Urban Development—Office of Healthy Homes and Lead Hazard Control. (2010). Healthy home rating system—Operating guidance. Retrieved from http://portal.hud.gov/hudportal/documents/huddoc?id=operating_guidance_hhrs_v1.pdf

3.3. Smoke Alarm.

Requirement:

Every dwelling unit shall have a functioning smoke alarm located on the ceiling outside each sleeping area in the immediate vicinity of the bedrooms, in each additional room used for sleeping purposes, and on every level except crawlspaces and uninhabitable attics. In dwellings or dwelling units with split levels that have no door between adjacent levels, the smoke alarm installed on the upper level shall suffice for the adjacent lower level. In the event a smoke alarm sounds, the cause of the alarm condition shall be identified and corrected.

3.3.1. In multifamily housing, a tamper-proof smoke detection system (interconnected with a central fire alarm system) or stand-alone smoke alarms in good working condition shall be installed on each level including basements, in heating system and storage rooms, in garages, and in other common areas.

3.3.2. Battery-operated smoke alarms and the battery backup for hardwired smoke alarms shall be powered with long-lasting batteries.

3.3.3. Alternative visual notification shall be provided for hearing-impaired occupants.

 Stretch Provisions:

- Smoke alarms shall be hardwired with battery backup.
- Smoke alarm batteries shall be sealed-in and tamper-proof.
- Multiple smoke detection stations shall be interconnected.
- Every dwelling unit shall have both a photoelectric smoke alarm and an ionization smoke alarm.

Rationale:

Smoke alarms that are properly installed and maintained play a vital role in reducing fire-related deaths and injuries. Having a working smoke alarm reduces the chances of dying in a reported fire by half. When smoke alarms fail to operate, it is usually because batteries are missing, disconnected, or dead. Research has demonstrated that almost one-quarter of smoke alarm failures were due to dead batteries. Interconnection of smoke alarms allows the warning to reach all occupants at the same time.

Ionization smoke alarm sensors are best suited to detect smoke from highly combustible materials that can create flaming fires, such as flammable liquids, newspapers, and paint cleaning solutions. Photoelectric models are best suited for living rooms, bedrooms, and kitchens, which often contain large pieces of furniture, such as sofas, chairs, mattresses, countertops, et cetera, which will burn slowly and create more smoldering smoke than flames.

References:

- Cleary, T. (2009). Performance of dual photoelectric/ionization smoke alarms in full-scale fire tests. Gaithersburg, MD: National Institute of Science and Technology Building and Fire Research Laboratory. Retrieved from http://www.nfpa.org/~media/files/training/conference%20and%20expo/2009%20proceedings/performance_of_combination_photoelectric-ionization_smoke_ala.pdf

- International Code Council. (2012). International fire code, § 907.
- National Fire Protection Association. (n.d.). Smoke alarm safety at home. Retrieved from: <http://www.nfpa.org/~media/files/safety%20information/safety%20tip%20sheets/smokealarmssafetytips.pdf>

3.4. Fire Extinguisher.

Requirement:

Fire extinguishers shall be rated Class ABC and shall be readily accessible.

3.4.1. Each dwelling unit shall have at least one 10-pound fire extinguisher in good working condition in or near the kitchen.

3.4.2. In multifamily housing, there shall be fire extinguishers in common areas on each floor and in areas where flammable or combustible liquids are stored, used, or dispensed. The fire extinguishers shall be located in conspicuous, unobstructed locations that are not obscured from view.

✓ Stretch Provision:

- The dwelling shall have an automatic fire sprinkler system that complies with the applicable locally adopted fire code. If the local fire code has no sprinkler requirement or if no local fire code exists, the installed automatic fire sprinkler system shall comply with either the International Fire Code® or the National Fire Protection Association Standard 1.

Rationale:

Cooking equipment is the second-leading cause of apartment or multifamily housing fire deaths, ranking only behind smoking. Kitchens are the leading area of origin for home structure fires: approximately two of every five (42 percent) home structure fires started in the kitchen or cooking area. Sixteen percent of the civilian deaths, 38 percent of the civilian injuries, and 14 percent of the direct property damage resulted from these fires. Two-thirds (66 percent) of the reported apartment or multifamily housing fires and one-third (33 percent) of the fires in one- or two-family homes originated in the kitchen. When an extinguisher is used, it put out the fire completely in half of the cases and minimized the fire but did not completely put it out in almost one-quarter of the incidents.

Reference:

- Ahrens, M. (2013). Home fires involving cooking equipment. National Fire Protection Association. Retrieved from <http://www.nfpa.org/research/reports-and-statistics/fire-causes/appliances-and-equipment/cooking-equipment>

3.5. Carbon Monoxide Alarm.

Requirement:

Every dwelling unit shall have at least one functioning carbon monoxide (CO) alarm on every habitable floor and outside each separate sleeping area, in the immediate vicinity of every bedroom. In the event a CO alarm sounds, the cause of the alarm condition shall be identified and corrected.

3.5.1. Battery-operated CO alarms shall be powered with long-lasting batteries. Hardwired CO alarms shall have long-lasting battery backup.

3.5.2. Alternative visual notification shall be provided for hearing-impaired occupants.

✓ Stretch Provisions:

- CO alarms and combination smoke/CO alarms shall include voice notification.
- If a combination ionization sensor smoke/CO alarm is used, a second smoke alarm utilizing photoelectric smoke sensors shall be installed.
- CO alarm batteries shall be sealed-in and tamper-proof.
- CO present at or above 30 ppm (35 mg/m³) when measured over one hour, or above nine ppm (10.5 mg/m³) measured over eight hours, shall be deemed hazardous. The cause of a hazardous indoor CO level shall be investigated to identify and eliminate its source.

Rationale:

CO is a colorless, odorless, and extremely toxic gas. Blood hemoglobin has a greater affinity for CO than it does for oxygen, which means that inhalation of this gas will reduce the ability of the blood to take up oxygen. At high concentrations, CO can cause unconsciousness and death. The highest rate of deaths from CO poisoning occurs in older age groups, especially in people aged 75-plus years. This may be for several reasons, including the increasing prevalence of cardiovascular illness and neurological decline at older ages and the fact that the elderly tend to spend a high proportion of their time at home indoors.

At lower concentrations, CO may cause a range of symptoms from headaches, dizziness, weakness, nausea, confusion, and disorientation to fatigue. These symptoms are sometimes confused with influenza and sometimes with depression. In people with ischemic heart disease, it can result in episodes of increased chest pain. CO may also impair fetal development. Those most vulnerable to ill health effects caused by low-level CO exposure include unborn children, infants, children, the elderly, and people with anemia or heart or lung disease.

References:

- American Academy of Pediatrics Council on Environmental Health. (2012). Carbon monoxide, in Etzel R. A., ed. Pediatric environmental health, 3rd edition. Elk Grove Village, IL: American Academy of Pediatrics, 367–377.
- National Fire Protection Association. (2012, August 13-14). NFPA technical committee on residential occupancies, NFPA 101 and NFPA 5000 first draft meeting minutes. Retrieved from http://www.nfpa.org/assets/files/aboutthecodes/101/bld-saf-res_fmminutes-08-12.pdf
- National Fire Protection Association. (2009). NFPA 720, Standard for the installation of carbon monoxide (CO) detection and warning equipment.
- Underwriters Laboratories. (2009). ANSI/UL 2034, Standard for single and multiple station carbon monoxide alarms.
- U.S. Consumer Product Safety Commission. (2001, January). CPSC recommends carbon monoxide alarm for every home. Retrieved from <http://www.cpsc.gov/en/Recalls/2001/CPSC-Recommend-Carbon-Monoxide-Alarm-for-Every-Home/>
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- U.S. Environmental Protection Agency. (n.d.). An introduction to indoor air quality (IAQ): Carbon monoxide. <http://www.epa.gov/iaq/co.html>
- World Health Organization. (2010). Guidelines for indoor air quality: Selected pollutants. Copenhagen: World Health Organization Regional Office for Europe. Retrieved from http://www.euro.who.int/__data/assets/pdf_file/0009/128169/e94535.pdf

3.6. Walking Surfaces.

Requirement:

Every interior and exterior stairway, ramp, deck, porch, and balcony shall be maintained structurally sound, in good repair, properly anchored, and capable of supporting the imposed loads.

3.6.1. Treads on exterior stairways shall have nonskid surfaces.

3.6.2. Every interior and exterior stairway with four or more risers shall have at least one structurally sound continuous handrail installed not less than 34 inches (86.7 cm) and not more than 38 inches (96.5 cm), measured vertically from above the nose of the tread. The handrail shall be firmly fastened, capable of supporting a load of 300 pounds, and in good condition. If a side of a stairway is open to the floor or grade below, and the handrail provides the guard required by Subsection 3.7, the rail shall be supported by balusters 34 to 38 inches (86.7 to 96.5 cm) in height, measured vertically from the nose of the tread.

✓ Stretch Provisions:

- Every interior and exterior stairway shall have uniform risers and treads. Risers shall be no higher than 7¾ inches (19.6 cm) and treads shall be at least 10 inches (25.4 cm) deep, unless the existing space and construction do not allow a reduction in pitch or slope.
- Interior and exterior stairways shall have handrails on both sides. Railings shall have a graspable perimeter measuring four to six inches (10–16 cm), and if noncircular in shape, shall have no sharp corners and a width no smaller than five-eighths inch (1.5 cm).

Rationale:

Inadequate handrails and railings on stairways, ramps, decks, porches, and balconies can result in slips, trips, and falls that cause physical injury, such as bruising; fractures; head, brain, and spinal injuries; and death. The likelihood of a fall is doubled if there is no wall or guarding to one side of the stair. Similarly, the lack of any handrail doubles the likelihood of a fall, even if there is a wall to both sides of the stairs. Stair tread depth affects stability during stair descent. The nature of injury is in part dependent on the distance of a fall, and in part on the nature of the surface onto which the victim falls. Although falls on level ground tend to result in relatively minor injuries as compared to other falls, they occur more frequently.

References:

- International Code Council. (2012). International residential code, §§ 311.7, 312.1.2, 312.1.3, 312.2.1.
- MetLife. (2013). The essentials: Falls and fall prevention. Retrieved from <https://www.metlife.com/assets/cao/mmi/publications/essentials/mmi-falls-fall-prevention-essentials.pdf>
- U.S. Department of Housing and Urban Development—Office of Healthy Homes and Lead Hazard Control. (2010). Healthy home rating system—Operating guidance. Retrieved from http://portal.hud.gov/hudportal/documents/huddoc?id=operating_guidance_hhrs_v1.pdf

Resources:

- Roys, M. (2013). Refurbishing stairs in dwellings to reduce the risk of falls and injuries. Garston, U.K.: IHS Building Research Establishment Press.

3.7. Guards.

Requirement:

3.7.1. Every stairway, porch, patio, landing, and/or balcony located more than 30 inches (76.2 cm) above an adjacent area shall have a structurally sound guard between 30 inches (76.2 cm) and 42 inches (107 cm) high, measured vertically from the floor. The guard shall be firmly fastened, capable of supporting normally imposed loads, capable of being opened in case of emergency, and in good condition. Balusters with a minimum thickness of one-half inch (13 mm) shall be placed at intervals that do not allow passage of a sphere greater than four (10.2 cm) inches in diameter. There shall be no climbable cross pieces. If the balusters do not reach the floor, the narrowest opening between the bottom of the stair guard and the floor shall be a maximum of four inches (10.2 cm).

3.7.2. If the vertical distance from the top of the sill of an exterior window opening to the finished grade or other surface below is greater than 72 inches (183 cm), and the vertical distance from the top of the sill to the floor of the room is less than 36 inches (91.5 cm), the window shall have a fall prevention device compliant with ASTM F2006 or ASTM F2090.

3.7.2.1 The fall prevention device for a window that provides access to a fire escape or is otherwise designated for emergency egress shall be compliant with ASTM F2090.

Rationale:

Falls can result in physical injury, such as bruising; fractures; and head, brain, and spinal injuries, as well as death. The nature of injury is in part dependent on the distance of a fall, and in part on the nature of the surface onto which the victim falls. Each year, 5,100 children younger than 18 years of age are treated in U.S. hospital emergency departments for injuries related to falls from windows. Such falls account for approximately eight deaths among children ages five and under each year. Falls from windows cause more severe injuries and deaths than any other

type of fall. A commercially available window guard designed to swing open to allow escape in the event of a fire costs as little as \$20. After window guard requirements took effect in Boston and New York City, the incidence of falls by children from windows decreased 96 percent over 10 years.

References:

- American Society of Testing and Materials. (2010). F2006, Standard safety specification for window fall prevention devices for non-emergency escape (egress) and rescue (ingress) windows.
- American Society of Testing and Materials. (2010). F2090, Standard specification for window fall prevention devices with emergency escape (egress) release mechanisms.
- City of New York. (2012, June). Rules. Title 24 §12, Window guard regulations. Retrieved from <http://www.nyc.gov/html/doh/html/environmental/win-regs.shtml>
- Harris, V., Rochette, L. M., and Smith, G. (2011, September). Pediatric injuries attributable to falls from windows in the United States 2001–2008. *Pediatrics*, 128, 455–462.
- International Code Council. (2012). International property maintenance code, § 307.1.
- International Code Council. (2013, April). Climable guards. Retrieved from <http://www.iccsafe.org/cs/CTC/Documents/0413-meeting/ChildWindowSafety.pdf>
- MetLife. (2013). The essentials: Falls and fall prevention. Retrieved from <https://www.metlife.com/assets/cao/mmi/publications/essentials/mmi-falls-fall-prevention-essentials.pdf>
- National Fire Protection Association. (2006). 101 Life safety code. § 7.2.2.4.5.3.
- Nationwide Children's Hospital. (n.d.). Window falls. <http://www.nationwidechildrens.org/cirp-window-falls>
- Roys, M. (2013). Refurbishing stairs in dwellings to reduce the risk of falls and injuries. Garston, U.K.: IHS Building Research Establishment Press.

3.8. Chemical Storage.

Requirement:

3.8.1. Each dwelling unit shall have a cabinet or other storage space that is lockable or not readily accessible to children for the storage of medicine and household chemical agents.

3.8.2. Storage space for flammable and combustible liquids shall be available either in a building separate from the dwelling's habitable space or in an adjacent space that is not connected to the dwelling's ventilation system.

Rationale:

Poison control centers answer more than 3.6 million calls each year, or one call every eight seconds. According to the American Association of Poison Control Centers, children younger than six years old account for about half of the calls placed to poison centers. A flammable or combustible liquid, gas, or associated piping or filter is the main contributor in four percent of fires and eight percent of fire-caused deaths.

References:

- American Association of Poison Control Centers. (n.d.). www.aapcc.org
- U.S. Environmental Protection Agency, Poison Prevention Program. (n.d.). <http://www.epa.gov/pesticides/health/poisonprevention.htm>

3.9. Pools, Hot Tubs, and Other Water Features.

Requirement:

3.9.1. Swimming pools, hot tubs, spas (except a residential spa or hot tub with a safety cover complying with ASTM F 1346-91), ornamental ponds, and other water features that hold water more than 24 inches (61 cm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (122 cm) in height above the finished ground level that is accessible only through a self-closing and self-latching gate. The gate's latch shall

be located 54 inches (137 cm) above the bottom of the gate on the interior side of the gate facing the water feature. The fence and gate shall not have climbable crosspieces.

3.9.2. All pools and spas shall have anti-entrapment drain covers compliant with ANSI/ASME A112.19.8, ANSI/APSP 16-2011, or any successor standard on every suction outlet.

3.9.3. Pool drains and drain covers shall be clearly visible and in good repair. Where there is a single main drain (other than an unblockable drain), a second anti-entrapment system shall be installed.

3.9.4. Luminaries, receptacles, and other outlets shall have ground-fault circuit interrupter (GFCI) protection.

Rationale:

It takes only inches of water for a small child to drown, so taking extra safety steps at home and around pools, spas, and all bodies of water can prevent drowning incidents. The majority of deaths and injuries in pools and spas involve children ages one to two and occur in residential settings. Drowning is the leading cause of unintentional death to children ages one to four and the second-leading cause of injury-related death in children aged one to 14 years in the U.S.

Children can become entrapped and held under water by suction openings in broken, uncovered, or poorly covered drains. Hair, jewelry, and bathing suit entanglement, as well as the lodging of arms, legs, fingers, or other body parts can pose entrapment hazards. Sitting on a broken or uncovered drain may cause evisceration injuries or disembowelment.

References:

- Consumer Product Safety Commission. (n.d.). Requirements for public pools. Retrieved from <http://www.poolsafely.gov/industry-operators-professionals/public-pool-requirements/>
- Consumer Product Safety Commission. (n.d.). Safety barrier guidelines for residential pools. Retrieved from <http://www.poolsafely.gov/wp-content/uploads/362.pdf>
- International Code Council. (2012). International property maintenance code, §§ 303, 605.3.
- International Code Council. (2012). International residential code, § E4203.
- Virginia Graeme Baker Pool and Spa Safety Act. 15 U.S.C. §§ 8001–8008. (2007).

4. LIGHTING AND ELECTRICAL SYSTEMS

4.1. Electrical System.

Requirement:

Every dwelling unit shall have electric service, outlets, and fixtures that are grounded and installed properly, maintained in good and safe working condition, and connected to a source of electric power.

4.1.1. Every dwelling unit shall be supplied with a three-wire, 120/240-volt, single-phase electrical service that is not shared with another dwelling unit.

4.1.2. Temporary wiring or extension cords shall not be used as permanent wiring.

✓ Stretch Provision:

- The electrical service shall have a rating of not less than 100 amperes.

Rationale:

Faulty electrical systems result in fires, damage to property, burns, injuries, and death. In residential settings, children are more likely to be injured than adults, primarily from inserting household objects into electrical outlets.

References:

- Electrical Safety Foundation International. (n.d.). Electrical safety workbook: A guide to understanding and maintaining your home's electrical system. Retrieved from www.esfi.org
- U.S. Fire Administration. (n.d.). Electrical fire safety outreach materials. Retrieved from http://www.usfa.fema.gov/citizens/home_fire_prev/electrical.shtm

4.2. Outlets.

Requirement:

Every habitable room shall have at least two separate and remote grounded duplex electric receptacle outlets.

4.2.1. Each kitchen and each room containing a toilet, sink, bathtub, or shower stall shall have at least one grounded duplex electric receptacle outlet protected by ground-fault circuit interrupter (GFCI).

4.2.2. Receptacle outlets in garages, crawl spaces, unfinished basements, and outdoors shall be protected by GFCIs.

✓ Stretch Provisions:

- Habitable rooms shall have sufficient receptacle outlets so that no location on a wall is more than six feet from an outlet.
- Every countertop space 12 inches (305 mm) or wider shall have a grounded duplex electric convenience receptacle outlet protected by a GFCI. No section of counter shall be more than 24 inches (610 mm) measured horizontally from an outlet.
- Receptacle outlets in habitable rooms that are not protected by GFCIs shall be protected by arc-fault circuit interrupters (AFCIs).

Rationale:

Unlike circuit breakers and fuses, GFCIs are installed to protect the user from electrocution. These devices provide protection against electrical shock and electrocution from ground faults or contact with live parts by a grounded individual. They constantly monitor electrical currents flowing into a product. If the electricity flowing through the product differs even slightly from that returning, the GFCI will quickly shut off the current. GFCIs detect amounts of electricity much smaller than those required for a fuse or circuit breaker to activate and shut off the circuit. UL lists three types of GFCIs designed for home use that are readily available, fairly inexpensive, and simple to install. AFCIs prevent electrical fires by protecting branch circuits.

References:

- International Code Council. (2012). International residential code. § E3901, E3902.1.
- National Fire Protection Association. (2013). Standard 70, national electrical code. Retrieved from <http://www.nfpa.org/70>
- U.S. Centers for Disease Control and Prevention & U.S. Department of Housing and Urban Development. (2006). Healthy housing reference manual. Retrieved from www.cdc.gov/nceh/publications/books/housing/housing.htm

4.3. Natural Lighting.

Requirement:

Every habitable room shall receive daylight from at least one exterior window or skylight.

4.3.1. If a habitable room receives daylight from an adjacent room or area used seasonally, such as a porch, the daylight through this interconnection shall be available year-round.

4.3.2. Every bathroom and kitchen shall comply with the daylight requirement for habitable rooms contained in this section, unless the room is equipped with a ventilation system consistent with Subsection 5.3.

Rationale:

Research has revealed a strong relationship between light and human physiology. The effects of light on both the human eye and human skin are notable. Light allows us to see and affects body rhythms and psychological health. Lack of natural lighting has been linked to depression.

References:

- International Code Council. (2012). International property maintenance code, § 402.1, 403.2.
- U.S. Centers for Disease Control & Prevention and U.S. Department of Housing and Urban Development. (2006). Healthy housing reference manual. Retrieved from www.cdc.gov/nceh/publications/books/housing/housing.htm
- U.S. Department of Housing and Urban Development—Office of Healthy Homes and Lead Hazard Control. (2010). Healthy home rating system—Operating guidance. Retrieved from http://portal.hud.gov/hudportal/documents/huddoc?id=operating_guidance_hhrs_v1.pdf

4.4. Artificial Lighting.

Requirement:

Each room containing a toilet, sink, bathtub, or shower stall shall contain at least one ceiling- or wall-type electric lighting fixture. Each non-habitable room, including laundry rooms, furnace rooms, and public halls, shall contain at least one ceiling- or wall-type electric lighting fixture.

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

4.4.2. Every public hall, exterior entry door, and stairway in multifamily housing shall be illuminated at all times by ceiling- or wall-type electric lighting fixtures providing 800 lumens for every 200 ft² (18.6 m²) of floor area. The distance between light fixtures shall not be greater than 30 feet (762 cm).

4.4.3. In a building containing one or two dwelling units, every public hall, exterior entry door, and stairway shall be illuminated by ceiling- or wall-type electric lighting fixtures providing 800 lumens for every 200 ft² (18.6 m²) of floor area that is controlled by a three-way switch or a motion-activated device.

✓ Stretch Provisions:

- Polychlorinated-biphenyl (PCB)-containing lighting ballasts (e.g., older pre-1978 T-12 lighting ballasts) shall be removed, replaced with lighting fixtures that do not contain PCBs, and disposed of in accordance with applicable state and federal regulations.

- The lighting fixtures in public halls, stairways, and entries shall provide 1600 lumens for every 200 ft² (18.6 m²) of floor area.
- The parking areas and walkways of multifamily housing shall be illuminated by outdoor lighting devices suitable for the premises.

Rationale:

Adequate lighting is important in allowing people to see unsanitary conditions and to prevent injury, thus contributing to a healthier and safer environment. Improper indoor lighting can also contribute to eyestrain from inadequate illumination, glare, and flicker. Artificial light is particularly important where domestic tasks require adequate light; for example, in the kitchen over worktops, sinks, and ranges.

References:

- International Code Council. (2012). International property maintenance code, § 402.2.
- U.S. Centers for Disease Control and Prevention and U.S. Department of Housing and Urban Development. (2006). Healthy housing reference manual. Retrieved from www.cdc.gov/nceh/publications/books/housing/housing.htm
- U.S. Department of Housing and Urban Development—Office of Healthy Homes and Lead Hazard Control. (2010). Healthy home rating system—Operating guidance. Retrieved from http://portal.hud.gov/hudportal/documents/huddoc?id=operating_guidance_hhrs_v1.pdf
- U.S. Environmental Protection Agency. (2012). Polychlorinated biphenyls (PCBs) manufacturing, processing, distribution in commerce, and use prohibitions. Retrieved from www.epa.gov/pcb
- U.S. Environmental Protection Agency. (n.d.). Compact fluorescent light bulbs. Retrieved from <http://www2.epa.gov/cfl>

5. THERMAL COMFORT, VENTILATION, AND ENERGY EFFICIENCY

5.1. Heating, Ventilation, and Air Conditioning Systems.

Requirement:

Facilities for heating, cooling, ventilation, and humidity control shall be maintained in good working condition and operated when necessary for the health and comfort of the occupants and in accordance with the design capacity of the installed equipment. Within 48 hours after equipment has become inoperative due to a mechanical problem or power failure other than a utility outage, an alternative safe source of necessary heating, ventilating, or cooling shall be provided.

5.2. Heating System.

Requirement:

Except in Climate Zone 1, every dwelling shall have a properly installed heating system in good and safe working condition that is capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms. The heating system, filtration components, distribution components, heating elements, and cooling elements (if provided), shall be sealed, cleaned, maintained, and operated in accordance with manufacturer specifications and shall be inspected and serviced annually by a licensed heating, ventilation, and air conditioning systems contractor.

5.2.1. Venting and Air Supply for Heating Equipment. Furnaces, water heaters, wood stoves, and other devices that employ combustion-burning fuel shall be vented to the outside of the structure in an approved manner that meets manufacturer specifications and is in compliance with applicable codes and standards (e.g., ANSI 223.1/NFPA 54 National Fuel Gas Code, NFPA 31 Standard for the Installation of Oil-Burning Equipment, NFPA 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances) and shall be supplied with sufficient air to support the continuous complete combustion of fuel and prevent backdrafting.

5.2.2. Minimum Heat Temperature. The heating system shall be capable of maintaining a minimum room temperature of 68° F (20° C) in every habitable room, bathroom, and toilet room.

5.2.3. Heating Supply. If the dwelling unit is rented, leased, or let on terms either expressed or implied that heat will be supplied, heat shall be provided to maintain a minimum temperature of 68° F (20° C) in habitable rooms, bathrooms, and toilet rooms; and at no time during the heating season shall the system allow the temperature to exceed 78° F (25° C) in any room.

5.2.4. Forced-Air Systems. Any dwelling with a forced-air system shall have at least one thermostat within each dwelling unit capable of controlling the heating system, and cooling system if provided, to maintain temperature set point between 55° F (13° C) and 85° F (29° C) at different times of the day. The system shall have a clean air filter installed in accordance with manufacturer specifications at each change in tenancy and at least annually. This filter shall have a minimum efficiency reporting value of eight (MERV-8) unless the system is not equipped to use a MERV-8 filter.

5.2.5. Steam and Hot Water Systems. In dwellings with heating equipment utilizing steam or hot water with a temperature of 110° F (43° C) or greater, protective covers/barriers shall be installed on and maintained for exposed surfaces of baseboard units, radiators, and piping between radiators.

5.2.6. Wood Stoves. A wood stove manufactured after June, 1988 shall have a manufacturer's label certifying compliance with the emission standard at 40 C.F.R. § 60 part AAA. Clearance of 30 inches (76 cm) shall be maintained between combustible materials and a stove with no heat shield. Where a heat shield is present, the clearance between combustible materials and the stove shall be compliant with manufacturer specification for the heat shield.

 Stretch Provisions:

- Any new combustion heating equipment installed in occupied or conditioned spaces shall be power-vented or sealed (direct-vented) combustion equipment.
- The heating system shall be controlled by a programmable thermostat to avoid temperature extremes.

- The dwelling shall have provisions to maintain the indoor temperature below a maximum of 85° F (29° C) through the use of mechanical air conditioning, ventilation systems, or passive design features.
- Air filters shall be replaced at least every three months.

Rationale:

Exposure to cold temperatures can lead to hypothermia, frostbite, and death. There is a continuous relationship between indoor temperature and vulnerability to cold-related death. As temperatures rise, thermal stress increases, initially triggering the body's defense mechanisms, such as sweating. High temperatures can increase dehydration, cardiovascular strain, and trauma, and, when temperatures exceed 77° F (25° C), cause mortality and stroke.

Poorly maintained HVAC systems may pose safety risks, including fire and explosion hazards and exposure to combustion-related chemical and physical agents, such as carbon monoxide and particulate matter. Exposure to carbon monoxide can lead to headaches, nervous systems effects, and asphyxiation.

References:

- Anderson, G. B., Dominici, F., Wang, Y., McCormack, M. C., Bell, M. L., & Peng, R. D. (2013). Heat-related emergency hospitalizations for respiratory diseases in the Medicare population. *American Journal of Respiratory and Critical Care Medicine*, 187(10), 1098-1103. Retrieved from <http://www.atsjournals.org/doi/abs/10.1164/rccm.201211-1969OC>
- International Code Council. (2009). International energy conservation code, Table 402.1.1.
- International Code Council. (2012) International property maintenance code. §§ 603.2, 603.5, 602.2.2, 602.2.3.
- Ostro, B., Rauch, S., Green, R., Malig, B. & Basu, R. (2010). The effects of temperature and use of air conditioning on hospitalizations. *American Journal of Epidemiology*, 172(9), 1053–1061. Retrieved from <http://aje.oxfordjournals.org/content/172/9/1053.abstract?sid=d5111b06-c02a-4bd4-863a-27ba95c0a75a>
- Standards of Performance for New Residential Wood Heaters, 40 C.F.R. 60 Subpart AAA (1988).
- U.S. Department of Housing and Urban Development—Office of Healthy Homes and Lead Hazard Control. (2010). Healthy home rating system—Operating guidance. Retrieved from http://portal.hud.gov/hudportal/documents/huddoc?id=operating_guidance_hhrs_v1.pdf
- U.S. Environmental Protection Agency. (n.d.). An introduction to indoor air quality (IAQ): Carbon monoxide (CO). <http://www.epa.gov/iaq/co.html>

Resources:

- Air Conditioning Contractors of America. (2010). HVAC quality installation specification, ANSI/ACCA 9. Retrieved from <https://www.acca.org/Files/?id=693>
- Building Performance Institute. (2012). Home energy auditing standard, BPI-1100-T-2012. http://www.bpi.org/files/pdf/BPI-1100-T-2012_Home%20_Energy_Auditing_Standard.pdf
- Department of Energy and National Renewable Energy Laboratory. Heating and cooling, forced air, system assessment and maintenance. Standard work specifications. Retrieved from <https://sws.nrel.gov/spec/53003>
- National Air Duct Cleaners Association. (2013). ACR, the NADCA standard for assessment, cleaning, and restoration of HVAC systems. Retrieved from <http://info.associationheadquarters.com/2013-acr>
- U.S. Environmental Protection Agency. (n.d.). Wood heater compliance monitoring program. Retrieved from <http://www.epa.gov/oecaerth/monitoring/programs/caa/woodheaters.html>
- U.S. Environmental Protection Agency. (n.d.). Remodeling your home? Have you considered indoor air quality? Combustion appliance backdrafting. Retrieved from <http://www.epa.gov/iaq/homes/hipbackdrafting>

5.3. Ventilation.

Requirement:

Natural or mechanical ventilation, or a combination of the two, shall deliver fresh air to every habitable room and bathroom and be capable of removing moisture-laden air and other contaminants generated during cooking, bathing, and showering.

5.3.1. Every dwelling shall have a ventilation system compliant with ASHRAE Standard 62.2 (Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings) or ASHRAE 62.1 (Ventilation for Acceptable Indoor Air Quality) as applicable to the dwelling.

5.3.2. The air exhausted from a bathroom, toilet room, kitchen, clothes dryer, or basement shall not be vented into any other parts of the building's habitable space or an attic; such air shall discharge directly to the outdoors but not near any intake on the building exterior.

5.3.2.1. The exhaust vent from a clothes dryer shall consist of a rigid or corrugated semi-rigid metal duct.

5.3.3. Pipes, ducts, conductors, fans, and blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another occupant. Vent pipe openings and any pest-proofing screens that cover them shall be maintained free of debris.

5.3.4. Basement air shall not be used as supply air for an air handling system.

 Stretch Provision:

- HVAC equipment shall have the capacity to maintain indoor relative humidity (RH) at or below 60 percent.

Rationale:

Proper circulation of outdoor ventilation air throughout a habitable space, naturally through openings in the building envelope and/or mechanically using fans and HVAC systems, is important to dilute and remove airborne indoor chemical agents, and reduce airborne transmission of biological agents, humidity, and mold. Inadequate ventilation also increases carbon dioxide in habitable spaces, which may yield drowsiness and headaches and can result in elevated levels of volatile organic chemicals that off-gas from interior dwelling components. Inadequate ventilation also increases interior humidity. Studies show the association between dampness and poor health. Damp environments are associated with the growth of dust mites, cockroaches, and mold. Some of the health effects include worsened asthma, wheezing, nausea and vomiting, headaches, fever, and diarrhea. Inadequately maintained or operated HVAC systems can lead to microbial growth.

References:

- American Society of Heating, Refrigerating, and Air-Conditioning Engineers. (2013). 62.2 Standard, Ventilation and acceptable indoor air quality in low-rise residential buildings. Retrieved from <https://www.ashrae.org/resources--publications/bookstore/standards-62-1--62-2>
- American Society of Heating, Refrigerating, and Air-Conditioning Engineers. (2013). 62.1-1 Standard, Ventilation and acceptable indoor air quality. Retrieved from <https://www.ashrae.org/resources--publications/bookstore/standards-62-1--62-2>
- International Code Council. (2009). International energy conservation code. Table 301.1 and Figure 301.1. Retrieved from <http://energycode.pnl.gov/EnergyCodeReqs/>
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- Krieger, J., & Higgins, D. L. (2002, May). Housing and health: Time again for public health action. *American Journal of Public Health*, 92(5), 758–768.
- National Institute for Occupational Safety and Health. (n.d.). Indoor environmental quality. Retrieved from <http://www.cdc.gov/niosh/topics/indoorenv/buildingventilation.html>

- U.S. Environmental Protection Agency. (n.d.). Indoor airPLUS program. Retrieved from <http://epa.gov/iaplus01/>
- Wisconsin Department of Public Health Services. (n.d.). Carbon dioxide fact sheet. Retrieved from <http://www.dhs.wisconsin.gov/eh/chemfs/fs/carbondioxide.htm>

Resources:

- Enterprise Community Partners. (2011). 2011 Enterprise green communities criteria, 92–94. Retrieved from <http://www.enterprisecommunity.com/servlet/servlet.FileDownload?file=00Pa000000FxxvNEAR>

5.4. Air Sealing.

Requirement:

Openings into dwellings and dwelling units shall be sealed to limit uncontrolled air movement.

5.4.1. Exterior doors, windows and skylights, openings where siding and chimneys meet, utility penetrations, electrical outlets, and other openings shall be weathertight.

5.4.1.1. Pads, door sweeps, weather stripping, and seals shall be used and maintained to minimize air leaks.

5.4.2. Openings separating an attached garage from a habitable room, including doors, ceilings, floors, and utility and ductwork penetrations, shall be sealed.

5.4.2.1. Any doorway between a habitable room and a garage shall be equipped with a wood door not less than $1\frac{3}{8}$ inches (35 mm) in thickness, a solid or honeycomb core steel door not less than $1\frac{3}{8}$ inches (35 mm) thick, or a 20-minute fire-rated door. The door shall have an automatic closing mechanism and be sealed with weather stripping.

5.4.2.2. There shall be no door, window, or other opening from a garage into a room used for sleeping purposes.

5.4.3. Heating and air conditioning system ductwork and air handling units located in an attached garage shall be correctly insulated and sealed.

5.4.3.1. There shall be no supply or return vent openings in a garage that connect to air handlers serving habitable spaces.

5.4.4. In a multifamily building, walls, ceilings, and floors that separate a dwelling unit from neighboring units, corridors, chases, stairwells, and other openings shall be sealed.

✓ Stretch Provision:

- Air handling equipment and associated ductwork shall be relocated from a garage to an area within the conditioned space.

Rationale:

Controlling air leakage into homes can save the occupant money by making the home energy efficient and can prevent health problems associated with moisture. Airborne moisture can lead to mold growth, which causes respiratory distress in children and adults, including those with asthma, allergies, or other respiratory diseases. Air-sealing and isolation of attached garages is important to prevent migration of carbon monoxide and other airborne chemical agents (e.g., from vehicle exhaust, fuels, solvents, and other chemicals stored or used in the garage) into habitable rooms. Sealing of each unit can help prevent migration of smoke, cooking odors, noise, radon, pests, and other elements into the dwelling unit.

References:

- International Code Council. (2012). International residential code. § 302.5.1.
- Jacksonville Energy Authority. (2013). Get to know your home's envelope. Retrieved from https://www.jea.com/Manage_My_Account/Ways_to_Save/Saving_By_Room/Whole_House/Wholehouse.aspx

Resources:

- American Society of Heating, Refrigerating, and Air-Conditioning Engineers. (2013). 62.1 Standard, Ventilation and acceptable indoor air quality. Retrieved from <https://www.ashrae.org/resources--publications/bookstore/standards-62-1--62-2>
- American Society of Heating, Refrigerating, and Air-Conditioning Engineers. (2013). 62.1–2 Standard, Ventilation and acceptable indoor air quality in low-rise residential buildings. Retrieved from <https://www.ashrae.org/resources--publications/bookstore/standards-62-1--62-2>
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- National Renewable Energy Laboratory. (2014). Standard work specifications for home energy upgrades, detail 6.6188.1: Ventilation, special consideration, removing supply vents from garages. Standard work specifications tool. Retrieved from <https://sws.nrel.gov/spec/661881>

6. MOISTURE CONTROL, SOLID WASTE, AND PEST MANAGEMENT

6.1. Moisture Prevention and Control.

Requirement:

Every foundation, roof, roofing component, exterior wall, door, skylight, and window shall be watertight, weathertight, free of persistent dampness or moisture, and in good condition.

6.1.1. The building's drainage system, such as footing or foundation drains, gutters, downspouts, rainwater collection containers, or other elements, shall direct water away from the structure.

6.1.2. Exterior wood surfaces shall be protected from the elements and decay by paint or other protective treatment. Weep holes in brickwork shall be left open.

6.1.3. Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water on the premises, within a crawlspace, or within the structure.

6.1.4. Interior and exterior surfaces and surface coverings, such as but not limited to carpet, wood, cellulose insulation, and paper, paint, and other wall coverings, including paper-faced gypsum board, shall have no signs of visible mold growth or chronic or persistent excessive dampness or moisture.

6.1.5. Building material that is discolored or deteriorated by mold or mildew or causes a moldy or earthy odor shall be cleaned, dried, and repaired. Structurally unsound material shall be removed and replaced.

6.1.5.1. Removal and repair of moldy material shall be conducted in accordance with New York City's Guidelines on Assessment and Remediation of Fungi in Indoor Environments, the Institute of Inspection, Cleaning, and Restoration Certification's IICRC S520 Standard and Reference Guide for Professional Mold Remediation, or the EPA guidelines for Mold Remediation in Schools and Commercial Buildings.

6.1.6. The underlying cause of excessive dampness or moisture or moldy or earthy odor shall be investigated and corrected.

6.1.7. Cold HVAC and plumbing components and systems (e.g., chilled-water pipes and valves, refrigerant piping, and valves) in readily accessible locations shall be sufficiently and continuously insulated to keep the temperature of their surfaces at least 10° F (4° C) above the dew point of the surrounding air.

6.1.8. Unless the crawl space is sealed and insulated from the outdoors, the crawl space shall be free of high-moisture conditions or be separated from the dwelling by an air seal or other method suitable to the climate and conditions.

✓ Stretch Provisions:

- Exterior weather-resistant barrier systems shall be used to reduce potential for water leaks and moisture intrusion.
- Water/mold-resistant materials shall be used on bathroom walls and floors, showers, and other areas of the home that are likely to be exposed to moisture.
- In warm-humid and mixed-humid climates:
 - Exterior wall insulations shall not include a vapor barrier/retarder material on the interior side (such as plastic sheeting or foil facing), with the exception of closed-cell foam insulation (spray or rigid), kraft-faced insulation, and seasonally adjusting membranes.
 - There shall be no vinyl wallpaper or other impermeable interior finish on the interior surface of exterior walls within an air-conditioned dwelling.
 - Exterior drainable rigid insulation systems shall be used to reduce wall assembly condensation risk.
- The building and its systems shall meet the following moisture management criteria:
 - When the building is being mechanically cooled, ventilation air shall be dried to a dew point value below the building's dew point.

- Condensation inside HVAC components and air distribution ductwork shall be drained to an appropriate sanitary drain or condensate collection system.
- Indoor surfaces of both occupied and unoccupied spaces shall not be cooled to temperatures so low as to create an average surface relative humidity (RH) of over 80 percent that lasts for more than 30 days on visible surfaces in occupied spaces and surfaces inside building cavities and unconditioned space.
- Indoor dew point shall be low enough to ensure no condensation occurs on the exposed surfaces of cool HVAC components or on building materials or furnishings.
- Humidifiers shall be sized, installed, and controlled so they do not overload the air with humidity, which increases the risk of condensation inside air distribution systems and exterior walls and roofing assemblies.

Rationale:

Damp indoor environments can increase the presence of biological agents such as mold, dust mites, and bacteria. These environments may also attract pests and cause building materials to deteriorate. Exposure to allergens can trigger allergic symptoms such as rhinitis, conjunctivitis, eczema, cough, and wheeze. For a sensitized person, repeated exposure can lead to asthma, and it appears that the severity of the asthma intensifies with increasing humidity, house dust mite, and mold levels. There is an association between dampness and upper respiratory tract symptoms, cough, wheeze, and asthma symptoms in sensitized persons. In addition there is limited or suggestive evidence that damp indoor environments are associated with dyspnea, lower respiratory illness in children, and asthma development.

Some fungi, particularly when in very high concentrations, can also colonize the airways of susceptible individuals, particularly asthmatics. Toxins from some molds (mycotoxins) can cause nausea and diarrhea, can suppress the immune system, and have been implicated in cases of pulmonary hemorrhage.

References:

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Resources:

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6.2. Solid Waste.

Requirement:

Every dwelling shall have adequate facilities for temporary storage of trash and recyclable materials.

6.2.1. There shall be trash containers outside the dwelling for the storage of trash awaiting collection or disposal. The total capacity of these facilities shall be sufficient to store occupants' trash between scheduled collection times, and shall be placed on a cleanable surface constructed to minimize spillage.

6.2.2. There shall be containers outside the dwelling for recyclable materials awaiting collection, with capacity sufficient to store occupants' recyclable materials between scheduled collection times.

✓ Stretch Provision:

- Exterior trash and recycling containers shall be placed at least 30 feet (nine meters) from the building, unless such space is not available.

Rationale:

In 2010, Americans generated about 250 million tons of trash and recycled and composted over 85 million tons of this material, equivalent to a 34.1 percent recycling rate. On average, we recycled and composted 1.51 pounds of our individual waste generation of 4.43 pounds per person per day. The risk that poorly stored or accumulated solid waste poses to health is difficult to quantify as little epidemiological work in this area has been reported recently. The potential health outcomes may include gastrointestinal disease (from spread of infection) and asthma and allergic rhinitis (from allergens). Household waste may, in addition, present a physical hazard of cuts to young children. Emotional distress is also commonly associated with pest infestations and accumulations of solid waste. Establishing solid waste collection, storage, and disposal provisions helps reduce pest infestations, the growth and spread of biological agents, odor emissions, and windblown litter.

References:

- U.S. Department of Housing and Urban Development—Office of Healthy Homes and Lead Hazard Control. (2010). Healthy home rating system—Operating guidance. Retrieved from http://portal.hud.gov/hudportal/documents/huddoc?id=operating_guidance_hhrs_v1.pdf
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6.3. Pest Management.

Requirement:

Integrated pest management (IPM) methods shall be used to maintain every dwelling free of infestation, openings that allow pest entry, conditions that harbor pests or provide them with food or water, and visible pest residue or debris.

6.3.1. A pest management professional who has an IPM certification or a person trained in IPM shall develop the IPM program for a multifamily building.

6.3.2. Every dwelling, premise, accessory structure, and fence shall be maintained in good repair, free of pest infestation, and inspected for pests and building conditions that attract and support pests.

6.3.2.1. There shall be no accumulation of trash, paper, boxes, lumber, scrap metal, food, or other materials that support rodent harborage in or about any dwelling or premises. Stored materials shall be placed in boxes or stacked in stable piles elevated at least six inches (152 mm) above the ground or floor and at least six inches (152 mm) from the walls. Stored materials shall not block any egress routes.

6.3.2.2. There shall be no trees, shrubs, or other plantings in the soil within six inches (152 mm) of any dwelling.

6.3.2.3. There shall be no accumulation of water in or about any dwelling or premises.

6.3.3. Every openable window and storm door shall be supplied with adequate screens to prevent the entry of pests.

6.3.4. There shall be no holes or open joints in exterior walls, foundations, slabs, floors, or roofs that equal or exceed one-eighth inch (3 mm).

6.3.4.1. The areas surrounding windows, doors, pipes, drains, wires, conduits, vents, and other openings that penetrate exterior walls shall be sealed with low-VOC caulk or closed cell insulation.

6.3.5. Pest infestation and the underlying cause shall be eliminated using control methods consistent with IPM, such as exclusion, sanitation, and least-risk pesticides scaled to and designed for the targeted infestation.

6.3.5.1. Foggers and organic phosphates shall not be used to control or eliminate pests.

Rationale:

Poorly stored food waste will attract pests. These pests may then come into contact with food before it is prepared or eaten or may come into direct contact with persons. Rodents have long been linked to property destruction and disease. Rodents are known to be infected with pathogenic organisms, including zoonotic agents such as *Yersinia enterocolitica* (Yersiniosis), *Listeria* spp (Listeriosis), *Cryptosporidium parvum* (Cryptosporidiosis), *Toxoplasma gondii* (Toxoplasmosis), *Leptospira* spp (Leptospirosis), *Trichinella spiralis*, and *Trichuris* spp (Whipworm infection). Proper food storage, rat-proofing construction, and ensuring good sanitation outside the home have served to eliminate or reduce rodent problems in the 21st century home.

Children who live in dwellings infested with cockroaches show high levels of sensitivity to cockroach allergen. Contact with cockroaches can cause dermatitis, urticaria, rhinitis, bronchitis, and asthma. Some people have an aversion to insects amounting to a phobia and can suffer anxiety when in the presence of the insects. Bed bugs are pests of significant public health importance, as are mosquitoes, fleas, and other insects.

Integrated pest management (IPM) is the best way to prevent and eliminate pests while preventing unnecessary occupant inhalation and ingestion of poisonous pesticide chemicals. Total release foggers are ineffective as methods in controlling most pests, often counteract less toxic strategies, and can result in resident exposure to toxic chemical agents, and if misused can cause fires, other destruction of property, and loss of life.

Certified pest management professionals (PMPs) with knowledge and experience of IPM, and other individuals trained in IPM, can be critical resources for buildings owners and managers.

References:

- U.S. Department of Housing and Urban Development—Office of Healthy Homes and Lead Hazard Control. (2010). Healthy home rating system—Operating guidance. Retrieved from http://portal.hud.gov/hudportal/documents/huddoc?id=operating_guidance_hhrs_v1.pdf
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7. CHEMICAL AND RADIOLOGICAL AGENTS

7.1. General Requirements.

Requirement:

All chemical and radiological agents in dwellings, premises, and accessory structures, including but not limited to deteriorated lead-based paint, friable asbestos-containing material, formaldehyde, volatile organic compounds, radon, pesticides, and methamphetamine, shall be contained, stored, removed, or mitigated in a safe and healthy manner consistent with federal, state, and local laws and regulations. When an applicable regulatory limit is more protective than the level included in this section, the more restrictive limit shall apply.

7.2. Lead-Based Paint.

Requirement:

7.2.1. Lead levels at or above federal regulatory limits pursuant to 40 C.F.R. § 745.65 are deemed hazardous: (1) lead-based paint on an existing painted surface—0.5 percent by weight or 1.0 milligrams per square centimeter; (2) dust on floors—40 micrograms of lead per square foot of settled dust ($\mu\text{g}/\text{ft}^2$); (3) dust on interior window sills—250 $\mu\text{g}/\text{ft}^2$; (4) dust on window troughs (wells)—400 $\mu\text{g}/\text{ft}^2$; (5) bare soil in children's play areas—400 parts per million (ppm) of lead; and (6) bare soil in areas of the yard that are not children's play areas—1,200 ppm.

7.2.2. Painted surfaces shall be maintained intact. With the exception of paint that is tested and found not to contain lead-based paint in accordance with 40 C.F.R. § 745.82(a), deteriorated paint at a property built before 1978 shall be repaired in accordance with the renovation requirements of 40 C.F.R. § 745 Subpart E, and the underlying cause of the deterioration shall be corrected.

7.2.3. All renovation, repair, and painting work that disturbs a painted surface in a pre-1978 dwelling shall be performed in accordance with the renovation requirements of 40 C.F.R. § 745, Subpart E, unless the paint has been tested and found not to contain lead-based paint in accordance with 40 C.F.R. § 745.82(a). Dust clearance testing shall be performed at the conclusion of renovation work.

7.2.4. With the exception of paint that is tested and found not to contain lead-based paint in accordance with 40 C.F.R. § 745.82(a), a painted surface shall not be disturbed using methods that involve (1) open-flame burning or torching or operating a heat gun at temperatures above a maximum of 1,100° F (593° C); or (2) power sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting unless such machines have shrouds or containment systems and a High-Efficiency Particulate Air (HEPA) vacuum attachment that collects dust and debris at the point of generation. The shroud or containment system shall release no visible dust or air outside the shroud or containment system.

7.2.5. Lead-based paint shall not be applied to the interior or exterior surface of any dwelling or dwelling unit.

✓ Stretch Provision:

- Lead present at or above the following limits is deemed hazardous: (1) lead-based paint on a friction, impact, or chewable surface, damaged or otherwise deteriorated, or non-intact—0.06 percent by weight; (2) dust on floors—10 micrograms of lead per square foot of settled dust ($\mu\text{g}/\text{ft}^2$); (3) dust on interior window sills—100 $\mu\text{g}/\text{ft}^2$; and (4) 40 $\mu\text{g}/\text{ft}^2$ on porches.

Rationale:

Lead is a heavy metal that accumulates in the body when ingested and has toxic effects on the nervous system, cognitive development, and blood-forming systems and numerous other systems production. Sources of lead include lead-based paint and the dust it generates, soil, drinking water, and consumer and other products. Lead-contaminated soil may be found particularly around older buildings contaminated by flaking external paintwork, adjacent to industrial premises using (or previously having used) lead, and near busy roads from the exhaust fumes from leaded gasoline. Lead is readily absorbed from the intestinal tract, especially in children, and its absorption is enhanced by dietary deficiency of iron and calcium.

Even with relatively low levels of lead in blood, studies show effects on a child's nervous and other systems. The highest risk group is young children aged 0-5 years, because of lead's potential effect on neurological development

and because physiologically they take up lead more readily. Pregnant women and their babies are at risk since lead can pass through the placental barrier.

References:

- Dixon, S. L., Gaitens, J. M., Jacobs, D. E., Strauss, W., Nagaraja, J., Pivetz, T., Wilson, J. W., & Ashley P. J. (2009, March). Exposure of U.S. children to residential dust lead, 1999–2004: II. The contribution of lead-contaminated dust to children's blood lead levels. *Environmental Health Perspectives*, 117(3):468–474. Retrieved from <http://www.ncbi.nlm.nih.gov/pubmed/19337524>
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7.3. Asbestos.

Requirement:

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

7.3.1. Friable asbestos-containing material shall be abated by licensed asbestos professionals in accordance with federal, state, or local requirements.

7.3.2. Any renovation, demolition, or other activity that will disturb asbestos-containing materials shall be preceded by asbestos abatement performed by certified asbestos professionals in accordance with federal, state, or local requirements.

7.3.3. Abatement, removal, and disposal of all asbestos-containing material shall comply with all appropriate federal, state, and local requirements.

Rationale:

Exposure to asbestos increases the risk of developing lung disease. Disease symptoms may take many years to develop following exposure. Asbestos products were historically used extensively in building materials. Vermiculite insulation in homes may be contaminated with asbestos. A mine near Libby, Montana was the source of over 70 percent of all vermiculite sold in the United States from 1919 to 1990. There was also a deposit of asbestos at that mine, so the vermiculite from Libby was contaminated with asbestos. Vermiculite from Libby was used in the majority of vermiculite insulation in the United States and was often sold under the brand name Zonolite. Vermiculite insulation should be assumed to be contaminated with asbestos and should not be disturbed. Trained professionals must be hired to remove vermiculite insulation. Many asbestos-containing materials continue to be legal to sell and to use. Intact asbestos is not a hazard; it becomes a hazard when it is damaged or deteriorated and releases friable asbestos. The EPA and most states certify or license asbestos inspectors.

References:

- Agency for Toxic Substances and Disease Registry. (2001). Public health statement for asbestos. Atlanta, GA: U.S. Department of Health and Human Services. Retrieved from: <http://www.atsdr.cdc.gov/toxprofiles/phs61.html>
- Asbestos National Emissions Standards for Hazardous Air Pollutants. 40 C.F.R. §§ 61.140-157 (1971).
- U.S. Centers for Disease Control and Prevention & U.S. Department of Housing and Urban Development. (2006). Healthy housing reference manual. Retrieved from www.cdc.gov/nceh/publications/books/housing/housing.htm.
- U.S. Environmental Protection Agency. (n.d.). Protect your family from asbestos-contaminated vermiculite insulation. <http://www2.epa.gov/asbestos/protect-your-family-asbestos-contaminated-vermiculite-insulation>

7.4. Toxic Substances in Manufactured Building Materials

Requirement:

7.4.1. Building materials consisting of hardwood plywood, medium-density fiberboard, and particleboard as defined by 15 U.S.C. 2697(b)(2) shall not be used in maintenance and renovations within dwellings, unless the materials have been certified to meet the formaldehyde emission standards of 15 U.S.C. 2697(b)(2):

- (1) Hardwood plywood with a veneer core, 0.05 parts per million (ppm);
- (2) Hardwood plywood with a composite core, 0.05 ppm;
- (3) Medium-density fiberboard, 0.11 ppm;
- (4) Thin medium-density fiberboard, 0.13 ppm; and
- (5) Particleboard, 0.09 ppm.

7.4.2. Building materials used in maintenance and renovations, including but not limited to paints, coatings, primers, glues, resins, adhesives, and floor coverings, shall be certified as having no volatile organic chemicals (VOCs) or low VOC emissions, and having no halogenated flame retardants (HFRs).

Rationale:

Formaldehyde is a prominent VOC found in household and construction products. It is a colorless, strong-smelling gas that can cause watery eyes; burning sensations in the eyes, nose, and throat; nausea; coughing; chest tightness; wheezing; skin rashes; and allergic reactions. Laboratory animal studies have revealed that formaldehyde can cause cancer in animals. Formaldehyde is classified by the World Health Organization as a known human carcinogen. The most significant source of formaldehyde in homes has been pressed wood products made using adhesives that contain urea formaldehyde (UF) resins. These products include particleboard (used as subflooring and shelving and in cabinetry and furniture), hardwood plywood paneling (used for decorative wall covering and used in cabinets and furniture), and medium-density fiberboard (used for drawer fronts, cabinets, and furniture tops). Medium-density fiberboard contains a higher resin-to-wood ratio than any other UF pressed wood product and is generally recognized as being the highest formaldehyde-emitting pressed wood product.

Pending EPA regulations will implement the Formaldehyde Standards for Composite Wood Products Act to limit formaldehyde emissions from composite wood products and finished goods that contain composite wood products in the U.S. The World Health Organization has recommended a short-term (30-minute) indoor formaldehyde exposure guideline of 0.1 mg/m³ to prevent sensory irritation in the general population.

Interior paints and primers, glues, and adhesives may release VOCs, particularly when drying. Exposure to individual VOCs and mixtures of VOCs can cause or aggravate health conditions, including allergies, asthma, and irritation of the eyes, nose, and airways; however, no health-based standards for indoor non-occupational exposure have been set.

Halogenated flame retardants (HFRs) used in fabrics, foams, and various plastics disrupt thyroid and estrogen hormones, which can cause developmental effects, such as permanent changes to the brain and to reproductive systems (including reduced sperm count in males and changes to ovarian cell structure in females).

References:

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- U.S. Consumer Product Safety Commission. (2013). An update on formaldehyde: 2013 revision. Bethesda, MD: Author. Retrieved from <http://www.cpsc.gov/PageFiles/121919/AN%20UPDATE%20ON%20FORMALDEHYDE%20final%200113.pdf>
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Resources:

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- Underwriters Laboratories. (n.d.). Greenguard certification from UL Environment: Healthier schools. Retrieved from <http://greenguard.org/en/HealthierSchools.aspx>
- Green Seal. (n.d.). Find green products and services. Retrieved from <http://www.greenseal.org/FindGreenSealProductsAndServices.aspx>
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- Master Painters Institute. (2010, January). MPI introduces "Extreme Green™" paint standard. Retrieved from http://www.paintinfo.com/MPInews/ExtremeGreen_Jan2010.shtml
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7.5. Radon.

Requirement:

Radon present at levels at or above the EPA action level of four picocuries radon per liter of air (pCi/L) in the lowest habitable level of the dwelling shall be deemed hazardous. Radon levels shall be determined by an approved testing method in accordance with state and local requirements. Radon levels exceeding four pCi/L shall be mitigated by a qualified radon mitigation professional who meets state and local requirements. If there are no state or local requirements qualifying radon testing and mitigation professionals, radon testing and mitigation shall be performed by a professional certified by a national private-sector radon proficiency program.

✓ Stretch Provision:

- Radon present at levels at or above two pCi/L in the lowest habitable level of the dwelling shall be deemed hazardous. Radon determined by an approved testing method to exceed two pCi/L shall be mitigated by qualified radon mitigation professionals in accordance with state and local requirements. If there are no state or local requirements qualifying radon testing and mitigation professionals, radon testing and mitigation shall be performed by a professional certified by a national private-sector radon proficiency program.

Rationale:

The U.S. Environmental Protection Agency (EPA) estimates that about 21,000 lung cancer deaths each year in the U.S. are radon-related. Exposure to radon is the second-leading cause of lung cancer after smoking. Radon is an odorless, tasteless, and invisible gas produced by the decay of naturally occurring uranium in soil and water. Radon decays rapidly and the resulting products quickly attach themselves to particles in the air. If these particles are inhaled, they can be deposited in the lungs, where the process of radioactive decay continues. The particles emitted can cause cells lining the lungs to mutate genetically and initiate cancer or facilitate a process already initiated by other carcinogens. The risk related to radon increases with dose and duration of exposure. The highest risk is for smokers. As radon is soluble in water, it can be ingested, resulting in the organs of the gastrointestinal

tract receiving the largest dose. EPA has established a recommended maximum exposure level of four pCi/L in occupied areas. Approximately one in 15 homes nationwide has radon above this level.

References:

- American Association of Radon Scientists and Technologists, Inc. (n.d.). National radon proficiency program. Retrieved from <http://nrpp.info/>
- American Association of Radon Scientists and Technologists, Inc. (2012). ANSI-AARST standard: Protocol for conducting radon and radon decay product measurements in multifamily buildings (MAMF-2012). Retrieved from http://www.aarst.org/standards/messages/296/AARST_MAMF_DraftClean_06-09opt-2127.pdf
- National Radon Safety Board. (n.d.). Certified radon professionals. http://www.nrsb.org/find_a_professional.asp
- U.S. Department of Health and Human Services Press Office. (2005, January 13). Surgeon General releases national health advisory on radon. [Press release.] Retrieved from <http://www.surgeongeneral.gov/news/2005/01/sg01132005.html>
- U.S. Environmental Protection Agency, Office of Radiation and Indoor Air. (2003, June). EPA assessment of risks from radon in homes (EPA Publication No. 402-R-03-003). Washington, DC: U.S. Environmental Protection Agency. Retrieved from <http://www.epa.gov/radiation/docs/assessment/402-r-03-003.pdf>
- U.S. Environmental Protection Agency. (2013). Radon (Rn). Retrieved from <http://www.epa.gov/radon/index.html>
- U.S. Environmental Protection Agency. (2013). Radon (Rn): Where you live. Retrieved from <http://www.epa.gov/radon/whereyoulive.html>

7.6. Pesticides.

Requirement:

Pesticides shall only be used in accordance with IPM methods discussed in Section 6.3, using the least toxic pesticide with demonstrated efficacy for the identified pest.

7.6.1. Pesticides shall be applied only in areas and at concentrations which comply with manufacturer specifications. When it is determined by an approved method that a hazardous amount of a pesticide has been applied in a location or at a concentration contrary to manufacturer specifications, the hazard shall be immediately mitigated.

7.6.2. Pesticides shall be stored and disposed in accordance with manufacturer specifications.

Rationale:

The health effects of pesticides vary with the product, but most products affect the eyes, noses, and throats. More severe consequences, such as central nervous system and kidney damage and increased cancer risk, are possible. An EPA survey revealed that bathrooms and kitchens are areas in the home most likely to have improperly stored pesticides. In the United States, EPA regulates pesticides under the pesticide law known as the Federal Insecticide, Fungicide, and Rodenticide Act. Since 1981, this law has required most residential-use pesticides to bear a signal word, such as "danger" or "warning," and to be contained in child-resistant packaging. This type of packaging is designed to prevent or delay access by most children under the age of five years.

References:

- National Pesticide Information Center. (n.d.). www.npic.orst.edu.
- U.S. Environmental Protection Agency. (n.d.). An introduction to indoor air quality (IAQ): Pesticides. Retrieved from <http://www.epa.gov/iaq/pesticid.html>

7.7. Methamphetamine.

Requirement:

A dwelling that has been used for methamphetamine manufacture shall be vacated until certified by an approved testing method as safe from hazardous materials related to the methamphetamine manufacturing process.

Rationale:

Homes formerly used as methamphetamine labs put residents, especially children, at serious health risk. Methamphetamine can be inhaled or absorbed through the skin. Effects resulting from acute exposures include cough; headache; chest pain; burns to skin, eyes, nose, and mouth; shortness of breath; dizziness; pulmonary edema; coma; and death. Exposure over a longer period can lead to liver and kidney damage, neurological problems, and an increased risk of cancer.

References:

- American Academy of Pediatrics Council on Environmental Health. (2012). Drug (methamphetamine) laboratories. In R. A. Etzel (Ed.), *Pediatric Environmental Health*, 3rd edition. (pp. 737–748). Elk Grove Village, IL: American Academy of Pediatrics.
- Minnesota Department of Health. (2013). Methamphetamine and meth labs: What are the potential health effects from exposure to a meth lab? Retrieved from <http://www.health.state.mn.us/divs/eh/meth/lab/potenteffects.html>
- U.S. Centers for Disease Control and Prevention. (2000, November 17). Public health consequences among first responders to emergency events associated with illicit methamphetamine laboratories—Selected states, 1996–1999. *Morbidity and Mortality Weekly Report* 49(45) (CDC Publication No. 2001-633-173/48011 Region IV). Washington, DC: U.S. Government Printing Office. Retrieved from http://www.atsdr.cdc.gov/hs/hsees/Horton_MethLabs.pdf

7.8. Smoke in Multifamily Housing.**Requirements:**

7.8.1. Smoking shall be prohibited in all indoor common areas of multifamily buildings.

7.8.2. Smoking shall be prohibited in exterior areas less than 25 feet (762 cm) from building entrances, outdoor air intakes, and operable windows.

7.8.3. Tenants and prospective tenants shall be informed in writing of any applicable smoke-free policy and the location of designated smoke-free and smoking areas. Signs shall be posted in all designated areas.

7.8.4. Tenants who terminate a lease early due to incursion of tobacco smoke or the inception of a smoke-free policy shall be exempt from early termination penalties or security deposit forfeiture.

✓ Stretch Provisions:

- A property-wide policy shall be established in consultation with current tenants to designate exterior common areas where smoking shall be prohibited and areas where smoking shall be permitted.
- A property-wide policy shall be established in consultation with current tenants to designate dwelling units where tobacco smoking shall be prohibited.

Rationale:

Tobacco smoke contains more than 7,000 chemicals, including hundreds that are toxic and approximately 70 carcinogens, such as arsenic, formaldehyde, benzene, and vinyl chloride. After smoking and radon, secondhand smoke exposure is the third-leading cause of lung cancer death. Secondhand smoke (SHS) also causes numerous health problems in infants and children, including asthma attacks, respiratory infections, ear infections, and sudden infant death syndrome (SIDS). In addition, tobacco smoking is the leading cause of fatal residential fires in the U.S. The U.S. Surgeon General has concluded that there is no safe level of exposure to SHS. Also, experts have concluded that the only way to effectively prevent the migration of SHS from the units of smokers to common areas and the units of nonsmokers is to prohibit all smoking within the building. A study in the United Arab Emirates found that incense smoke emits carbon monoxide, oxides of nitrogen, formaldehyde and carbonyls, and that incense smoke exposure causes significant lung cell inflammation. Studies show that thirdhand smoke clings to hair, skin, clothes, furniture, drapes, walls, bedding, carpets, dust, vehicles, and other surfaces, even long after smoking has stopped. Infants, children, and nonsmoking adults may be at risk of tobacco-related health problems when they inhale, ingest, or touch substances containing thirdhand smoke. Thirdhand smoke is a relatively new concept, and researchers are still studying its possible dangers.

References:

- American Cancer Society. (n.d.). Secondhand smoke. Retrieved from <http://www.cancer.org/cancer/cancercauses/tobaccocancer/secondhand-smoke>
- American Society of Heating, Refrigerating, and Air-Conditioning Engineers. (2013). ASHRAE position document on environmental tobacco smoke. Retrieved from https://www.ashrae.org/File%20Library/docLib/About%20Us/PositionDocuments/ASHRAE_PD_Environmental_Tobacco_Smoke_2013.pdf
- Cohen, R., Sexton, K. G., & Yeatts, K. B. (2013, August 1). Hazard assessment of United Arab Emirates (UAE) incense smoke. *Science of the Total Environment*, 458-460, 176–186.
- Dale, L.. (2012, March 20). What is thirdhand smoke, and why is it a concern? Retrieved from <http://www.mayoclinic.com/health/third-hand-smoke/AN01985>
- U.S. Centers for Disease Control and Prevention. (2011). Fire deaths and injuries: Fact sheet. Retrieved from <http://www.cdc.gov/homeandrecreationalafety/fire-prevention/fires-factsheet.html>
- U.S. Department of Health and Human Services, Office on Smoking and Health (U.S.). (2006). The health consequences of involuntary exposure to tobacco smoke: A report of the Surgeon General. Atlanta, GA: U.S. Centers for Disease Control and Prevention. Retrieved from <http://www.ncbi.nlm.nih.gov/books/NBK44324/>



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6755 (Tate)

Date:

December 10, 2019

Department:

Community Development

Attachments:

[Ordinance No. 6755](#)

[Ordinance No. 6755 - Exhibit A](#)

[Ordinance No. 6755 - Exhibit B](#)

[Ordinance No. 6755 - Exhibit C](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6755 on December 16, 2019.

Background Summary:

On April 8, 2019, staff brought forward for discussion to City Council, an overview of multifamily housing programs that are already in place in Auburn, as well as programs that are in place in other cities. During the discussion, staff was asked about additional programs and how they might look in Auburn.

On August 12, 2019, staff returned to City Council with a presentation where additional programs were discussed. At the end of the presentation, staff made recommendations for an option that would work with the dynamic population of Auburn, and enhance the current Auburn City Codes, as well as the adopted International Property Maintenance Code, protect tenants and be fair to rental owners. The recommendations included, but were not limited to amendments to Title 5 and/or Title 15 of the Auburn City Code, which would support Healthy Housing Standards; Adopt the National Healthy Housing Standards; and require mandatory inspections for multi-family properties with 3 or more confirmed code compliance violations in a 12 month period.

Draft Ordinance No. 6755 was presented to City Council at the December 9, 2019 Study Session.

Reviewed by Council Committees:

Councilmember: Trout-Manuel

Staff:

Tate

Meeting Date: December 16, 2019

Item Number:

ORD.D

ORDINANCE NO. 6755

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO BUSINESS LICENSE REGULATION, REVISING BUSINESS LICENSE INSPECTIONS, MODIFYING RENTAL HOUSING OVERSIGHT, AND ADDING LICENSE REVOCATION CRITERIA, AND AMENDING CHAPTERS 1.20, 5.15 AND 5.22 OF THE AUBURN CITY CODE

WHEREAS, the City of Auburn has a strong and positive relationship with most rental property owners and managers within the City; and

WHEREAS, to preserve safe and healthy housing for tenants, the City identifies properties that are experiencing higher criminal or code enforcement activity and attempts to assist the owners reduce those incidents; and

WHEREAS, where conditions fall below the City's baseline expectation, the City seeks to expand the tools for addressing non-compliant conditions; and

WHEREAS, August 12, 2019, City Council requested staff to explore code amendments pertaining to healthy housing; and

WHEREAS, revision of the City's code sections relating to inspecting properties and assisting rental properties to reduce criminal and nuisance incident will improve the safety and welfare of Auburn residents.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. That section 1.20.010 of the Auburn City Code be and the same hereby is amended to read as shown in Exhibit A of this Ordinance.

Section 2. Amendment to City Code. That section 5.15.030 of the Auburn City Code be and the same hereby is amended to read as shown in Exhibit B of this Ordinance.

Section 3. Amendment to City Code. That Chapter 5.22 of the Auburn City Code be and the same hereby is amended to read as shown in Exhibit C of this Ordinance.

Section 4. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 5. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 6. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, City Clerk

APPROVED AS TO FORM:

Steven L. Gross, City Attorney

Published: _____

Chapter 1.20

RIGHT OF ENTRY FOR INSPECTION

Sections:

1.20.010 Right of entry.

1.20.010 Right of entry.

~~Whenever necessary to make an inspection to enforce any ordinance or resolution, or wherever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the official by ordinance; provided, that except in emergency situations or when consent of owner and/or occupant to the inspection has been otherwise obtained, the official shall give the owner and/or occupant, if they can be located after reasonable effort, 24 hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state the property owner has a right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction to obtain such entry. (Ord. 2906 § 1, 1976.)~~

Entry into a building or onto property by a city officer, official or employee must be for the following purposes and accomplished in the following manner.

A. Authorized Purposes. Any officer, official or employee of the city may enter any building or property during regular city business hours and at other reasonable times for a reasons required by this code or any city ordinance including,

1. To inspect, observe, measure, sample, test, or investigate a building or property in connection with the review of a permit or license application;
2. To assess compliance with any permit, license or approval;
3. To inspect, observe, measure, sample, test, or investigate any condition relating to, or to operate, maintain, or repair any city utility or facility;
4. To perform periodic inspections required by any provision of this code;
5. To investigate when cause exists to believe a violation of this code is being, or has been, committed; or
6. To inspect report conditions.

B. Manner of Entry. Prior to entering a building or property, the city officer, or employee shall comply with the following provisions.

1. The officer, official, or employee shall present city credentials including photo identification to the owner or person who is in control or is responsible for the building, tenancy, or property, and state the reason for entry, and request entry.

2. If the building, tenancy, or property is unoccupied, the official, officer, or employee shall make reasonable effort to locate the owner or other person having charge or control of the building or property (e.g. a manager, tenant, person having a key or other access device or code) and request entry.

3. Consent to enter a building or property may be obtained by any means, including but not limited to writing, facsimile, telephonic, or in-person consent. In addition, a property owner's application for any permit, license, or approval with respect to an activity in or on a building or property shall be deemed to be consent for city officers, officials, and employees to enter the building or property to perform any inspections, measurements, sampling, or other action required to review and process the application; provided that if the city intends to enter a structure or building, the city shall first contact the owner or occupant and arrange a mutually convenient time for entry. The owner's or occupant's failure to consent to entry or to arrange a mutually convenient time for entry shall be grounds for the city to deny the application for the permit, license, or approval. However, it is not a violation of this chapter to refuse or fail to consent to an entry for inspection for which a warrant is required to be obtained.

4. If entry is refused or if an official officer or employee is unable to obtain consent, the city shall have recourse to every remedy provided by law to secure entry, including but not limited to application to any court of competent jurisdiction for an administrative search warrant or other remedy.

5. Nothing in this chapter requires a city officer, official or employee to obtain the property owner's consent to (1) an inspection that is conducted while the officer, official, or employee remains on public property, such as a public right-of-way, or on other adjacent property for which consent to entry has been obtained, or (2) enter property in which the city has a written easement for purposes authorized in the easement instrument.

6. Notwithstanding the above provisions, whenever there is a reasonable basis to believe that an immediate inspection or entry is required to protect against an imminent threat of substantial injury to a person(s) or to property, a city officer, official, or employee is authorized to enter in or upon any building or property without first obtaining the owner's consent, or when any other circumstances exist making such entry lawful under the common law. Upon entry made pursuant to this subsection, the city officer, official or employee shall announce their identity at the doorway and again upon entering any areas where occupants are present.

5.15.030 Inspections – Right of entry.

The mayor, or designee, is authorized to make such inspections of the premises and facilities of establishments licensed or required to be licensed under this title of the city code, and to take such action as may be required to enforce the provisions of the business license ordinances or other applicable codes. The mayor may designate any appropriate city employees, including, but not limited to, the code enforcement officers, building inspectors and commissioned police officers, to undertake such inspections. Inspections shall, ~~to the extent possible,~~ be in compliance with ~~the following procedure:~~ Chapter 1.20.

~~A.—The person(s) designated to make such inspection(s) may enter any licensed business location, at any reasonable time, to inspect the same or perform any duty imposed on the mayor, or designee, by any business license or regulation ordinance.~~

~~B.—If the place of business is occupied, said inspector(s) shall first present proper credentials and demand entry and right to inspect.~~

~~C.—If the place of business is unoccupied, said inspector(s) shall first make a reasonable effort to locate the licensee or other person having charge or control of the premises and shall then present proper credentials and demand entry and right to inspect.~~

~~D.—No licensee, employee or agent, shall fail or neglect, after proper demand, to admit said inspector(s), acting within the scope of the inspector's employment, to any location licensed for business, or to interfere with an inspector while in the performance of the inspector's duty.~~

~~E.—Nothing herein shall prevent or prohibit undercover investigations or inspections by appropriate officers in appropriate circumstances. (Ord. 5754 § 2, 2003.)~~

Chapter 5.22

RENTAL HOUSING BUSINESS LICENSE AND STRATEGIES

Sections:

5.22.010 Purpose.

5.22.0120 Definitions.

5.22.0230 Business license – Fee.

5.22.0340 Advisory board on rental housing.

5.22.0450 Rental housing business license criteria.

5.22.0455 Additional rental housing business license criteria for multifamily dwelling units.

5.22.057 Inspections

5.22.0560 License application – Required – Form.

5.22.0670 License application – Approval or disapproval procedure.

5.22.0780 License – Display – Nontransferability – Responsibility.

5.22.0890 License – Revocation.

5.22.09100 Employment of law enforcement officers.

~~5.22.100 Duty to comply with all federal, state and local laws and regulations – Business license revocation.~~

5.22.110 Reimbursement for transitional costs.

5.22.120 Violation – Penalty.

5.22.130 Nonexclusive enforcement.

5.22.010 Purpose.

This chapter applies to all rental units in the City of Auburn. The purpose of this Chapter is:

A. To protect the health, safety and welfare of the tenants that reside within a rental property.

B. To establish standards that protect both landlord and tenant rights.

C. To protect the health, safety and welfare of the general public that visit rental properties or that reside at nearby properties.

D. To establish uniform and consistent policies and procedures for the licensing of rental units.

E. To establish enforcement procedures that are invoked as a result of violations of Auburn City Code.

5.22.01~~20~~ Definitions.

The following words and phrases when used in this chapter shall have the meanings set forth below:

A. “Department” means the City of Auburn department of community development or successor agency.

B. “Director” means the director of the City of Auburn department of community development.

AC. “Rental housing owners,” as used in this chapter, means the individual(s) and/or business entities owning or having an ownership interest in any rental housing unit(s), or rental manufactured/mobile home park lot(s), within the city of Auburn.

BD. “Non-owner managers,” as used in this chapter, means any person(s) or business entity hired or engaged for the purpose of providing management services for any rental housing units within the city of Auburn, where the manager(s) has/have no ownership in the rental housing units being managed.

CE. “Rental unit” means any dwelling unit, or manufactured/mobile home park lot, in which the home sits on, in the city, which is occupied pursuant to a lawful rental agreement, oral or written, express or implied, which is not owned by its occupant(s) as a condominium unit or cooperative unit on the effective date of the ordinance codified in this chapter. For the purposes hereof, “rental housing” and “rental units” shall have the same meaning unless the context clearly indicates otherwise.

DE. “Residential unit,” as used in this chapter, means a building, manufactured/mobile home or lot, or portion of a building or lot intended to be occupied by one family and containing sleeping, eating, cooking and sanitation facilities as required by this code.

EG. “Ongoing criminal activity,” as used in this chapter, occurs when:

1. Within any six-month period, the property of a rental housing business which is subject to the licensing requirements of this chapter, and which has ~~up to~~ 10 or fewer rental units, is the location for three or more crimes, as defined by the Revised Code of Washington or the Auburn City Code, as a result of three or more separate factual incidents that have been independently investigated by any law enforcement agency; or
2. Within any 12-month period, the property of a rental housing business which is subject to the licensing requirements of this chapter, and which has more than 10 rental units, is the location for three or more crimes, as defined by the Revised Code of Washington or the Auburn City Code, as a result of three or more separate factual incidents that have been independently investigated by any law enforcement agency.

~~FH.~~ “~~Ongoing nuisance activity,~~” “~~Permitting a public nuisance that affects public health and safety,~~” as used in this chapter, occurs when:

1. Within any ~~six twelve~~-month period, the property of a rental housing business which is subject to the licensing requirements of this chapter, ~~and which has up to 10 rental units,~~ is the location for three or more ~~nuisance activities separate factual and independently investigated and confirmed public nuisance violation,~~ as defined by the Auburn City Code, ~~as a result of three or more separate factual incidents that have been independently investigated by any law enforcement agency; or~~

~~2. Within any 12-month period, the property of a rental housing business which is subject to the licensing requirements of this chapter, and which has more than 10 rental units, is the location for three or more nuisance activities, as defined by the Auburn City Code, as a result of three or more separate factual incidents that have been independently investigated by any law enforcement agency.~~

~~GI.~~ “Rental housing business,” as used in this chapter, means any person, company, association or entity that rents or leases, or makes available for rent or lease, one or more rental units for rent or lease as residential units. (Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.0230 Business license – Fee.

Each rental housing business operating in the city, as defined herein, shall obtain and maintain in good standing a “~~rental housing business license~~”City of Auburn Business License issued by the city in accordance with the procedures of this chapter and this title.

A. The fee for a ~~rental housing~~ business license required under this chapter shall be as set forth in the city of Auburn fee schedule.

B. The business license fee shall be for the calendar year (January 1st through December 31st), and each applicant for the business license must pay the full business license fee for the current calendar year ~~or portion thereof~~ during which the applicant has engaged in business, regardless of when during the calendar year the license is obtained.

~~C. The rental housing business license fee required by this chapter is in lieu of, and not in addition to, the general business license fee required by Chapters 5.10 and 5.15 ACC; provided, however, that any person required to obtain a rental housing business license must also obtain a general business license, at no cost, pursuant to Chapters 5.10 and 5.15 ACC. (Ord. 6477 § 1, 2013; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)~~

5.22.0340 Advisory board on rental housing.

There is hereby established as an advisory board to the city, to be known as the advisory board on rental housing. The advisory board shall be comprised of interested owners and managers of rental housing units, individuals or organizations that represent tenants, and other interested persons, appointed by the mayor to serve on an as-needed basis. The ~~police chief~~Mayor or designee shall serve as an ex officio member of the board. The advisory board shall meet quarterly, or as needed. The advisory board shall act in an advisory capacity and assist the city, as needed, in connection with rental housing related issues in the city and regionally, including but not limited to:

- A. Facilitate cooperation and coordination with the ~~department~~ city police department on rental housing issues;
- B. Recommend to the city programs and strategies to enhance community awareness of rental housing related issues;
- C. Recommend approaches for rental housing training programs, including city ~~and police~~ sponsored training;
- D. Develop networking and strategies for the city ~~police~~ to deal with rental housing issues and develop partnership and support programs, educational programs, landlord or tenant rights, consistent crime-free approaches, “no-tolerance for crime,” property protection and preparation programs; and other best management practices;
- E. Coordinate, develop and disseminate procedures for tenant screening, rental housing agreements (including language to include enforcement of rules and protection of facilities and neighborhoods), eviction techniques and strategies;
- F. Provide ongoing management resources, including regular, periodic meetings, telephone and other response strategies;
- G. Monitor inappropriate activities by owners, managers and operators of rental housing units, and counsel said owners, managers and operators in reasonable alternatives – such monitoring to be done through the receipt of complaints or by any other legally viable method;
- H. Promote strong ties and build mutually beneficial relationships between ~~police first responders~~ and rental housing operators by teaching methods for recognizing illegal activity, identifying and reporting crimes, knowing and understanding police and code enforcement functions, ~~and~~ roles, and limitations, facilitating the exchanging of information ~~with police between first responders~~ and owners/managers, or other agencies as indicated; ~~and by using any other reasonable method;~~
- ~~I. Develop linkages to other agencies and resources, including the fire department, HUD and Section 8 Programs, Safe Streets, Neighborhood Watch, etc.;~~
- ~~J.~~ J. Develop and/or identify dispute resolution alternatives and similar resources that may be utilized in disputes between the owners, managers and operators of rental housing units and tenants, and others with interests therein;
- ~~K.~~ K. Recognize and incorporate programs and procedures that identify and reflect cultural influences and sensitivities, and which promote greater understanding of differences in the tenant/community population;
- ~~L.~~ L. Act as liaison between the rental housing community and the ~~police department~~ city whenever possible;
- ~~M.~~ M. Partner, on behalf of the city, with other agencies or entities to seek programs and grants to support and enhance rental housing residential stock in the city; and
- ~~N.~~ N. Participate in such other and related roles and functions as requested by the city. (Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.0450 Rental housing business license criteria performance standards.

A. ~~Owners and/or M~~anagers ~~and operators~~ of rental housing businesses shall comply with the criteria performance standards established in this section and chapter in order to maintain their rental housing business license in good standing as required by ACC 5.22.020. The city department shall identify and communicate with the owners and managers ~~and operators~~ of rental housing businesses, as it deems appropriate, regarding the criteria established in this chapter. The city department shall may establish forums for information sharing including 9-1-1 incident dispatch history, and enforcement review, as it deems appropriate, in order to encourage ~~voluntary~~ compliance with these criteria prior to ~~mandatory~~ escalating enforcement action. ~~Rental housing business owners or their non-owner managers shall comply as necessary with the following specific criteria as well as all other requirements of this chapter in order to maintain their business license in good standing:~~

~~4B. Attendance and participation in crime-free housing Owners or their designated property managers shall attend multifamily manager training programs when such are is offered by the City of Auburn police department or other city department local municipality whose curriculum has been previously approved by the director, and the license holder is given written notice to attend. This shall be a one-time requirement. The City of Auburn may require additional attendance at multifamily manager training if: the property is sold; the owner hires new management; there is turnover in staff of existing management company; or as deemed necessary to correct escalating code violations, criminal activity, and other known threats to public health and safety. Attendance and participation may be required by the city whenever a residential unit is the location for any criminal or nuisance activity which results in an arrest for criminal activity or the issuance of an infraction citation in the case of a nuisance, whether or not the arrestee or cited person is a tenant;~~

C. A property of a rental housing business that meets the definition of Ongoing criminal activity or Permitting a public nuisance that affects public health and safety shall be subject to any and all of the following criteria:

21. Following the city's review of 9-1-1 incident history, the owner may be directed to meet with Auburn Police and/or code enforcement to conduct an in depth crime analysis. Based on this analysis the owner or manager may be required to implement the Mmutually derived crime prevention strategies as established identified by Auburn Police and/or code enforcement , and the owner or manager and agreed to by and between the city and the rental housing owner and/or manager;

32. The property owner and/or manager shall continue to comply with Gcity Ddirected Ccrime Pprevention Sstrategies in an effort to reduce or eliminate. If the implementation of criteria in subsections (A)(1) and (2) of this section is unsuccessful in eliminating recurring criminal or nuisance activity, the city will notify the rental housing business owner or manager in writing of the requirement to comply with a particular city directed crime prevention strategy. The city may also implement a city directed crime prevention strategy whenever a residential unit is the location for any other criminal or nuisance activity not previously identified and which results in an arrest or issuance of a citation whether or not the person arrested or cited is a tenant. Strategies will be reasonably tailored to the particular location and situation and will be consistent with strategies implemented by other municipalities in similar situations;

43. Upon ~~implementation of the mutually derived crime prevention strategies, and with~~ a written request, the rental housing business owner or manager shall ~~allow perform an~~ inspection of rental housing ~~residential units property and premises~~ consistent with ACC 5.22.057, and their ability to do so under the requirements of the landlord-tenant statutes of the state of Washington and the Auburn City Code. The city may, with the legally obtained consent of an occupant or owner, or pursuant to a lawfully issued warrant, enter any building, structure or premises in the city to inspect or perform any duty imposed by this code;

54. ~~In the event that~~ If after implementation of crime prevention strategies, recurring criminal or nuisance activity continues at any particular location which is subject to the licensing requirements of this chapter ~~and the imposition of criteria in subsections (A)(1) through (4) of this section~~ has failed to eliminate the recurring criminal or nuisance activity at the location, the rental housing owner may be directed to hire security officers selected by the manager-operator. ~~Voluntary i~~Implementation of manager-operator selected security shall stay revocation of the business license so long as the security is effective in eliminating the recurring criminal and/or nuisance activity at said licensed location;

~~6. In the event that criminal or nuisance activity continues to occur at any particular location which is subject to the licensing requirements of this chapter and the imposition of criteria in subsections (A)(1) through (4) of this section and implementation of criteria in subsection (A)(5) of this section has failed to eliminate recurring criminal or nuisance activity at the particular location the rental housing owner may request or agree to city directed off-duty police security. Voluntary implementation of city directed off-duty police security shall stay revocation of the business license so long as the security is effective in eliminating ongoing criminal and/or nuisance activity at the particular licensed location;~~

75. In the event that the rental housing business owner does not comply with the ~~criteria corrective actions in subsections (A)(1) through (6)~~ of this section, the city may revoke the rental housing business owner's license. Business license revocation shall be the ultimate resort for enforcement purposes. Business license revocation shall occur as otherwise set out in this chapter.

~~BD. The criteria listed above shall be implemented in a priority beginning with criteria in subsection (A)(1) of this section and ending with criteria in subsection (A)(7) of this section. It is envisioned that most problems can be resolved by participation in crime-free housing multifamily manager training and implementation of its recommended practices. Failure to participate in any of the above strategies including subsection B in subsections (A)(1) through (6) of this section may subject the licensed/registered party to revocation. Any expense incurred in connection with subsections (A)(2) through (5) of this section will be borne by the licensed/registered party.~~

It is further provided that the "inspection of the residential units of rental housing units," subsection ~~(A)(4)(C)(3)~~ of this section, includes inspection of residential units in the complex for any applicable health, building, fire, housing or life-safety code violations, or other serious violations.

~~CE.~~ The following requirements are established for communal residences as defined in ACC Title 18.

1. The owner/landlord must provide the following information and any additional information on the rental business license application form at the time of submittal:
 - a. Total number of bedrooms in the rental unit.
 - b. Total number of occupants.
2. The owner/landlord must provide updated information for each of the items outlined in subsection (~~GE~~)(1) of this section each year with their rental business license renewal.
3. The owner/landlord must sign a statement that confirms their understanding and acceptance of the conditions and obligations incurred as a landlord. At a minimum, the statement will:
 - a. Outline the landlord's responsibilities for providing a safe living environment for their tenants.
 - b. That structural additions and modifications are to be properly permitted and inspected.
 - c. That garbage and recycling will be properly managed.
 - d. Landscaping and external appearance of the property is properly maintained.
 - ~~de~~. That adequate off-street parking will be provided for all tenants meeting the requirements of ACC 18.31.130.
 - ~~ef~~. That noise and other public nuisances, see ACC Title 8, will be monitored and controlled.
 - ~~fg~~. That annual inspections are required in order to obtain a communal rental housing or City of Auburn business license.
 - ~~gh~~. That anyone under the age of 18 is subject to the curfew regulations in Chapter 9.10 ACC.
 - i. Communal property owners and managers shall provide a certificate of inspection, pursuant to ACC 5.22.057, to the City prior to the issuance or renewal of an annual business license. The purpose of this inspection is to ensure that any unauthorized structural alterations have not occurred, that there are no life safety concerns, and that occupancy limits have not been exceeded. Failure to provide the annual certificate of inspection shall be cause for the revocation or denial of communal rental housing business license.
4. If the owner/landlord is in violation of the requirements for a communal residence, then the code enforcement actions outlined in Chapter 1.25 ACC will be taken. (Ord. 6477 § 2, 2013; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.0455 Additional rental housing business license criteria for multifamily dwelling units.

In addition to the business license criteria set forth in ACC 5.22.0450, rental housing businesses consisting of multifamily dwelling units shall comply with the following license requirements:

A. Property owners, property managers, landlords, and their agents who offer for rent or lease “multifamily dwelling units” as defined in this section may not refuse to rent or lease such a dwelling unit to any residential tenant or prospective residential tenant or otherwise discriminate or retaliate against any residential tenant or prospective residential tenant solely on the basis that the person proposes to pay a portion of the rent from a “source of income” as defined in this section.

B. If property owners, property managers, landlords, and/or their agents elect to use a rent to income ratio in the rent calculation process any form of income, such as a rent voucher or subsidy, shall be deducted from the total monthly rent calculation for meeting income criteria in the rental screening process.

C. For the purposes hereof, the following definitions shall apply:

1. “Multifamily dwelling units” means housing where two or more separate housing units for residential inhabitants are contained within one building or several buildings within one complex.
2. “Source of income” includes income derived from social security, supplemental security income, other retirement programs, and any federal, state, and local subsidy programs, including housing assistance, public assistance, and general assistance programs.

D. The provisions of this section shall not apply if the dwelling unit does not qualify for participation in the tenant’s “source of income” program. However, any property owner, manager or agent that refuses to rent a dwelling unit to a person based upon the proposed use of funds from a “source of income” must notify that person in writing of the reasons why the dwelling unit is ineligible for participation in the particular “source of income” program. Refusal to allow a health and safety inspection of the property by a public housing authority or subsidy program inspector shall not be considered a legitimate basis for refusing to rent due to program ineligibility.

E. The provisions of this section shall not apply where one portion of a duplex unit is owner occupied. (Ord. 6652 § 1, 2017.)

5.22.057 Inspections

A. When required under this chapter, the rental housing owner or manager shall provide a certificate of inspection that documents compliance with the standards of the ACC Title 15.

B. Inspections will be conducted in accordance with RCW 59.18.125.

C. The certificate of inspection should include, but is not limited to the following items:

1. Structural members that are insufficient in size or strength to carry imposed loads with safety;
2. Exposure of the occupants to the weather;
3. Plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury;
4. Lack of water, including hot water;
5. Heating or ventilation systems that are not functional or are hazardous;
6. Defective, hazardous, or missing electrical wiring or electrical service;
7. Defective or inadequate exits that increase the risk of injury to occupants;
8. Violations that increase the risks of fire; or
9. Violations of other applicable codes, rules or regulations.

D. Inspectors. The owner or manager shall submit a certificate of inspection based upon the physical inspection of the dwelling units conducted not more than 90 days prior to the date of the certificate of inspection by a qualified inspector as defined in RCW 59.18.030 (25).

5.22.0560 License application – Required – Form.

A. Every person required to have a license under the provisions of this chapter shall submit an application for such license to the ~~business license clerk department, as designated by the mayor.~~ The application shall be a written statement upon a form provided by the ~~business license clerk~~ Director.

B. Whenever a license cannot be issued at the time the application for the same is made, the ~~business license clerk department~~ shall issue a receipt to the applicant for the money paid in advance subject to the following conditions: such receipt shall not be construed as the approval ~~of by the business license clerk department~~ for the issuance of a license, nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this chapter. (Ord. 5897 § 12, 2005; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.0670 License application – Approval or disapproval procedure.

The issuance of a City of Auburn business license shall be subject to the applicant and/or license holder being compliant with all the corrective actions imposed pursuant to ACC 5.22.050. The issuance and possession of such license shall not imply an automatic issuance or license renewal in subsequent years. The ~~business license clerk department~~ shall collect all license fees and shall issue licenses in the name of the city to all persons qualified under the provisions of this chapter and shall:

A. Adopt all forms and prescribe the information required to implement this chapter;

B. Submit all applications to department heads or designee of the city of Auburn building, fire, planning and police departments;

C. Notify any applicant of the acceptance or rejection of his/her application and shall, upon denial of any license, state in writing the reasons therefor, the process for appeal and deliver them to the applicant;

D. Deny Any Application for License Upon Written Findings That the Granting Would Violate This Chapter. A violation of this chapter shall be considered to be detrimental to the public peace, health or welfare:

1. Whenever any such license is denied the applicant may within 15 calendar days from date of action file written notice of appeal to the city's hearing examiner. Action of the hearing examiner may be appealed 15 calendar days from date of action to the city council and action of the council shall be conclusive and not subject to review.

2. When the issuance is denied and any action instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which the license was refused unless a license is issued pursuant to a judgment ordering the same. (Ord. 5897 § 13, 2005; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.0780 License – Display – Nontransferability – Responsibility.

A. Upon receipt of the license, the license shall be retained on the premises of the rental housing business owner's principal office or place of business where it may be inspected at any time, or shall be carried, as appropriate.

B. No license issued under the provisions of this chapter shall be transferable or assignable.

C. The agents or other representatives of nonresidents who are doing business in this city shall be personally responsible for the compliance of their principals and the businesses they represent with this chapter. (Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.0890 License – Revocation.

A. Any license issued under the provisions of this chapter may be revoked by the mayor or designee ~~and/or police chief and/or building official and/or fire chief~~ for any reason if the further operation thereof would be in violation of this chapter and therefore detrimental to public peace, health or welfare. Any license issued under the provisions of this chapter may also be revoked in the following circumstances:

1. The license was obtained through fraud or misrepresentation of fact;
2. The owner or manager has been convicted of a crime, or suffered civil judgment or is the subject of a consent decree which bears a direct relationship to the rental housing business;
3. The owner or manager takes action or contributes to action in violation of the city's zoning codes or development regulations, or commits or permits a public nuisance on the premises licensed pursuant to this chapter;

4. When the owner/manager's inaction or failure to correct an identified threat to public health and safety reasonably puts other tenants or neighboring property owners/occupants at risk.

5. Failure of the owner and/or manager to comply with any or all federal, state and local laws and regulations that bear a direct relationship to the conduct of the business licensed pursuant to this chapter.

B. Except in the case of emergency due to significant physical danger to one or more tenants, a notice of intent to revoke the business license shall be mailed to the owner and posted on the premises at least 30 days in advance of the effective date for revocation. In the case of emergency described above the notice of intent to revoke shall be provided to the owner and posted on the premises as early as possible. The premises shall be completely vacated upon the date the revocation becomes effective unless the city determines that there is no imminent physical danger to the tenants. If the city determines that there is no imminent physical danger they may make arrangements with the tenants to continue to reside on the premises for a reasonable amount of time in order to allow time for orderly relocation. Whenever any such license is revoked or notice of impending revocation is sent out, the licensee may within 15 calendar days from date of action file written notice of appeal to the city's hearing examiner. Action of the hearing examiner may be appealed within 15 days from date of action to the city council and action of the council shall be conclusive and not subject to review. (Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.09100 Employment of law enforcement officers.

In the event the owner, operator or manager of the rental housing business secures the services of one or more law enforcement officer(s) to properly enforce the applicable laws, rules and regulations and to maintain order in the rental housing business, pursuant to ACC 5.22.040(A)(6), all expense for such service shall be borne by the rental housing business owner, manager or operator. (Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

~~5.22.100 — Duty to comply with all federal, state and local laws and regulations — Business license revocation.~~

~~All persons licensed pursuant to this chapter must comply with all federal, state and local laws and regulations which relate to or in any way affect the rental housing business, including all criminal laws for which the violation could negatively affect the tenants of rental housing units. Violation of this section shall constitute grounds for revocation of the business license. (Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)~~

5.22.110 Reimbursement for transitional costs.

In the event that a rental housing business is closed by the city or any agency acting on behalf of or in coordination with the city stemming from enforcement of the provisions of this chapter or any applicable criminal code or any health, building, fire, housing or life-safety code, or other serious violations, it shall be a prerequisite condition for the license to be reinstated and/or the rental housing units to be allowed to re-open/available for rental that the operator of the rental housing business reimburse the city for any transitional costs and/or tenant relocation costs

incurred by the city that are directly attributable to such closure. For the purposes hereof, “transitional costs and/or tenant relocation costs” include but are not limited to tenant travel costs and temporary hotel vouchers or other expenses incurred to procure alternate housing following tenant displacement for a reasonable time to alleviate the impacts of displacement. The amounts of such costs shall be as determined in the discretion of the mayor in consultation with the ~~police chief~~ Director and with representatives of agencies engaged in providing social services within the city. It is provided, however, that nothing in this chapter shall preclude the city from seeking and obtaining funds from grants or other sources to cover or help defray the transitional costs, and receipt of such grants or other funds shall not relieve the operators of the rental housing businesses from the reimbursement requirements hereof. (Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.120 Violation – Penalty.

Failure of a rental housing business owner, manager or operator to operate a rental housing business without obtaining or maintaining in good standing a ~~rental housing~~ City of Auburn business license, as required by this chapter, is punishable in accordance with ACC 5.15.110. (Ord. 6567 § 4, 2016; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.130 Nonexclusive enforcement.

The city’s action to enforce one provision of this chapter or to pursue one avenue of enforcement shall not preclude the city from enforcing any other provision of this chapter and/or from pursuing any other avenue of enforcement, and the mayor or designated city official is entitled to use any methods or processes available under the law to enforce the requirements hereof. (Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5475 (Hinman)

Date:

November 26, 2019

Department:

Administration

Attachments:

[RES 5475 - City of Auburn 2020 Legislative](#)

[Priorities](#)

[2020 City of Auburn FINAL Legislative Agenda](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Adopt the 2020 City of Auburn State and Federal Legislative Agendas.

Background Summary:

Each year, the City of Auburn adopts a State and Federal 2020 Legislative Agenda to guide our work throughout the year as we work with our legislative delegations in Olympia and Washington, D.C. on the issues that will benefit Auburn. These priorities are presented as the top priorities for Auburn in the 2020 legislative sessions in Olympia and the Washington, D.C.

Reviewed by Council Committees:**Councilmember:****Staff:**

Hinman

Meeting Date: December 16, 2019

Item Number:

RES.A

RESOLUTION NO. 5475

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, ADOPTING THE 2020 STATE LEGISLATIVE AGENDA

WHEREAS, the actions of the Washington State Legislature in respect to local government issues, services, and funding have a profound effect on the City's ability to provide local services to its residents; and

WHEREAS, the Auburn City Council believes that it is appropriate to communicate its position regarding issues affecting the City and local government that may come before the State Legislature during the 2020 legislative session.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RESOLVES as follows:

Section 1. The City Council adopts its 2020 Legislative Agenda as set forth in Exhibit A.

Section 2. The Mayor shall cause a copy of this Resolution to the City's State Legislative District representatives and to other regional government entities.

Section 3. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney

STATE PRIORITIES

PUBLIC SAFETY

- Additional funding for staff in regards to confiscation of firearms as a result of domestic violence incidents, background checks for purchase of firearms, collection, and research activities.
- Additional funding for the Academy would drastically shorten the amount of time prospective police officers are on municipal payrolls without being able to get into training.
- Reformation of juvenile laws concerning crimes associated with firearms. As of now, juveniles need to be arrested five times before they spend time in jail.
- Rights of persons who are experiencing homelessness are very important to protect, but proposed legislation that would create a private cause of action against municipalities fails to balance public safety needs with those rights.

REGULATORY AND LAND USE

- *Impact fees* – As communities grow there are no impact fees to benefit police. It would be ideal to collect a police impact fee since added population and businesses have the same resource demands and challenges as fire, transportation, parks and schools.
- *Affordable housing* – The needs are deeper than 60% AMI – more like 50% or 40%. Washington State Housing Finance Commission programs are providing great support for projects that hit the 60% AMI mark. There needs to be a similar incentive to hit the deeper marks since that is where the greatest need exists.
- *Rehab housing* – there should be dedicated funds to put towards the rehabilitation of single or multifamily units because it is far less expensive and environmentally sustainable to preserve existing housing stock instead of building new units. There are very few programs that help maintain older homes and multifamily complexes which results in one of two outcomes (1) older properties are maintained appropriately but the investment is reflected in increasing rental costs, or (2) older properties are not maintained which helps keep rental costs down but at the sake of declining health and safety.
- *Regulatory reform* - The large number of regulatory processes are a hindrance to bringing affordable housing projects to fruition including SEPA, GMA, NPDES. State Environmental Policy Act (SEPA) is an outdated and overly burdensome process that adds time and money. Growth Management Act (GMA) and affordable housing objectives are at direct odds because the GMA limits supply which increases costs. National Pollutant Discharge Elimination System (NPDES) adds significant cost to development which is passed on to future owners or tenants.

2020 Legislative Priorities – City of Auburn

PUBLIC WORKS, TRANSPORTATION, INFRASTRUCTURE

- It is critical to protect all of the State funds that support local transportation projects. The cities cannot do this on their own given the amount of growth and commerce in the region. This includes maintained or increased funding for TIB and FMSIB along with state grant programs managed by the WSDOT for local agency projects.
- With the passage of I-976, local agencies will need more state and federal funding opportunities for transportation projects, especially preservation.
- The preservation of roadways is paramount and something like a Street Maintenance Utility could be an important tool for cities to meet this growing unfunded need.
- Changes to appropriate RCW's to allow Municipalities to charge properties for street lighting. Current RCW 54.16.120 allows Utility Districts to charge properties for providing street lighting but the law does not allow Municipalities to do this. Current revenues for general fund uses cannot meet the needs and charging for street lighting would be an appropriate way to address a specific service being provided to residents and businesses within a jurisdiction.
- Retaining or increasing the Public Works Trust Fund amount is key to providing funding for local agency projects.
- Retaining or increasing the Drinking Water State Revolving Fund is key for local water purveyors to cost effectively fund needed infrastructure projects.
- Funding for the Auburn Way South Widening project will be a funding request in the coming years.
- The funds allocated to the loan program for general aviation airports that began in 2019 needs to be increased to provide a cost effective funding source for projects that are not eligible for grant funding. General Aviation Airports are running on minimal revenues, a loan program is key to providing the funding needed to complete infrastructure projects now when they are needed.
- Support for allocating 1% of the existing aviation fuel tax to WSDOT's Aviation account to fund airport projects. Current levels of funding cannot meet the growing need to maintain and improve this important infrastructure that provides a significant benefit to commerce and the State's economy.

PARKS AND OPEN SPACES

- Washington Recreation & Conservation Office and Land/Water Conservation Funds must be maintained so citizens have increased access to existing and new public spaces
- Continued financial support for restoration and historic preservation of the Old Historic Post Office via Historic Preservation funds

SALES TAX MITIGATION AND JAIL COSTS

- Continued Streamlined Sales Tax (SST) mitigation and SCORE funding

SOCIAL SERVICES

- Operational funds for the Auburn Resource Center will allow for the ongoing service of those community members struggling with housing, substance abuse, and mental health issues to ensure their cycle of suffering ends.

FEDERAL PRIORITIES

Cyber Security

Issue: Cities don't have the resources to afford adequate systems to address cyber security.

Federal Request: Funding to mitigate costs at community/local levels.

Homeless and Housing

Issue(s): The city has a lot of housing stock and more coming online. Issues are related to 0-30 level availability and preservation for older, existing lower income housing options.

Federal Request: Grant funding for preservation of low-income housing/facility stock.

Human Services Consolidated Resource Center

Issue(s) – The facility is an opportunity to co-locate several health and human services resources in one location.

Federal Request: 1) Programming funding for community court either via King County court resource center funds, public defender or court administration funds. 2) Funding for facilities development and maintenance cost.

Mental Health

Issue: WA State initiative to decentralize mental health programs. More and more public service providers need to become knowledgeable about managing and responding to mental health situations.

Federal Request: Is there any general funding for mental health training for public service providers, city employee, etc.

Parks, Arts & Recreation

Issue: The City has an opportunity to convert the Jacobsen Tree Farm on Lea Hill into a park and sports facility

Federal Request: Support the City's grant application under the Land and Water Conservation Fund to redevelop the property for public use.

Public Safety

Issues: 1) There is a national shortage of police officers. Police officer recruitment, training and retention assistance at the local level is needed. 2) Fleet and equipment – capital outlays.

Federal Request: Workforce or educational resources to assist specifically with recruitment, training and retention of public safety officers. Ideas include student loan incentive/forgiveness, mental health training, creating flexibility in existing grants (e.g. COPs, SRO, etc.) to allow for training and recruitment costs vs. just to pay for the officer, etc.

Grants and funding for local government costs associated with public safety capital outlays.

Cable and Telecom

Issues: Cable and Telecom companies continue to engage in practices to evade/reduce exposure to local franchise fees and permit fees (e.g. FCC 5G deployment regulations, FCC Cable in kind services, etc) that

2020 Legislative Priorities – City of Auburn

do not recover the expense to facilitate their deployment within local jurisdictions. In addition, the recent FCC orders put a heavy burden on local jurisdictions to meet unreasonable timeframes for permit issuance and put local jurisdictions at odds with implementation of other federal and state regulations that they are mandated to abide by. Cities are not allowed to recoup costs associated with providing access and use of the public right of ways.

Federal Request: Congress and the FCC should recognize, protect and enforce local government's obligation to protect local assets and charge fees necessary to maintain services and the assets for all public purposes.

2020 Legislative Priorities – City of Auburn

Transportation

Auburn Way South – A portion of additional funding has been provided via PSRC for design of one phase of this corridor. City is still working to develop a partnership with the Muckleshoot Tribe. USDOT had recommended tribal transportation grants if the Muckleshoot Tribe would be willing to partner and ‘lead’ the application.

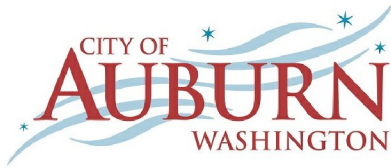
Federal Request: Construction dollars for the current phase, design and construction of subsequent phases.

Lea Hill – City is wrapping up the preferred alternatives for improvement of the overall corridor which will allow us to refine the scope, estimated costs, and phasing of the project.

Federal Transportation Bill Re-Authorization

Issue: There is insufficient funding to support the long term maintenance and needed expansion of the national transportation system and many local jurisdictions continue to fall farther and farther behind on the necessary improvements to keep the commerce and people of the country moving. The burden on local jurisdictions is only increasing while revenues are stagnant or reducing. We need programs that get flexible funding to the local level through the programs of the transportation act.

Ask: We need congress to authorize a new, long term federal surface transportation bill that helps fix the Highway Trust Fund and supports innovative programs and more local control.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5476 (Tate)

Department:

Community Development

Attachments:

[Resolution No. 5476 - Resolution in support of](#)

[HB 1406 Pooling](#)

[Resolution No. 5476 - Exhibit A](#)

Date:

December 10, 2019

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Resolution 5476

Background Summary:

The 2019 State Legislature enacted SHB 1406 which allows cities and counties to recapture a portion of Washington State sales tax when it is used to support affordable housing initiatives. On September 9, 2019 the Auburn City Council enacted Resolution 5454 and Ordinance 6732 which took the requisite actions necessary by a local legislative authority to take advantage of the sales tax recapture. The City of Auburn is expected to collect approximately \$150,000 per year for the next 20 years as a result of these actions. SHB 1406 allows funds to be used for:

1. Acquiring, rehabilitating, or constructing affordable housing.
2. Funding the operations and maintenance costs of new units of affordable or supportive housing.
3. And for jurisdictions that have a population of less than 100,000, providing rental assistance to tenants.

The City Council also took a separate action on February 19, 2019 to adopt Resolution 5408 which authorized the Mayor to sign an Interlocal Agreement (ILA) with Burien, Covington, Des Moines, Federal Way, Kent, Normandy Park, Renton, Tukwila and King County. The ILA officially formed the South King Housing and Homelessness Partners (SKHHP).

SKHHP was formed for the purposes of advancing affordable housing initiatives in South King County. Anticipated initiatives include assisting cities with comprehensive plan updates, data collection and housing trend analyses, regional representation on housing matters, collaboration with non-profit organizations, and capital project development (e.g. buying and/or developing property for affordable housing). An essential principal of the SKHHP ILA is that the 10 member organization is better able to deliver successful outcomes by working collaboratively and pooling resources. To this end, on November 22, 2019 the SKHHP Executive Board unanimously adopted Resolution 2019-06 which urges each member jurisdiction to pool funds collected under SHB 1406 and to use SKHHP as a way of leveraging the amount of money collected, i.e. pooled funds will go further than the individual

dollars collected by each city. Collectively, the revenues that are estimated to be collected exceed \$1,000,000 each year which has a cumulative 20 year generation of more than \$20,000,000. The below table was provided by the Department of Revenue and provides a more detailed estimate of each cities anticipated revenue:

City	Estimated Annual Revenue
Auburn	\$154,992
Burien	\$65,477
Covington	\$43,678
Des Moines	\$29,793
Federal Way	\$124,142
Kent	\$185,467
Normandy Park	\$4,866
Renton	\$236,380
Tukwila	\$162,046
Total (not including King County)	\$1,006,841.00

City of Auburn staff recommends that the Auburn City Council support the pooling of SHB 1406 by directing those funds to SKHHP. This recommendation is based on the following:

1. A fundamental premise in the formation of SKHHP is the power of a coordinated effort and pooling of resources. SHB 1406 and Ordinance 6732 offer a unique opportunity to achieve the goals and objectives of why SKHHP was formed.
2. While not an insignificant amount of money, it will be difficult for Auburn utilize \$150,000 per year to realize the intended uses of SHB 1406 funds.
3. Using the funds for rental assistance poses a number of challenges:
 - a. The City would have to set up a program and administrative procedures for delivery of this option. Staff resources will need to be allocated to oversee the setup and management of the program (meaning that staff will either need to be redirected from current responsibilities or additional staff will need to be hired). Procedures will need to be developed and administered for reviewing income qualifications, circumstances, and standards for determining who receives assistance, how much they receive, and when they receive it.
 - b. Rental assistance is not a long lasting sustainable solution. It provides one time money. Spending money on rental assistance does not leave a lasting footprint.
 - c. Only cities that are less than 100,000 in population are eligible to use the money for rental assistance. The City of Auburn will exceed a population of 100,000 at about the midpoint of the 20 year duration that SHB 1406 revenues are collected. This means that the City would need to cutoff rental assistance.
4. SHB 1406 establishes administrative monitoring requirements for how the money is used. By directing funds to SKHHP, the SKHHP Executive Manager can be assigned the responsibility of fulfilling this requirement.
5. The cumulative funding level of \$20,000,000+ over 20 years provides substantial bonding capacity that can be used to help fund the acquisition or development of

affordable housing. The north County version of SKHHP reports that they have been able to leverage \$20,000,000 of funds to build and/or acquire \$220,000,000 of affordable housing.

Resolution 5476 was presented to City Council during the December 9, 2019 study session.

Reviewed by Council Committees:

Councilmember: Trout-Manuel

Staff: Tate

Meeting Date: December 16, 2019

Item Number: RES.B

RESOLUTION NO. 5476

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO TRANSFER FUNDS COLLECTED UNDER THE PROVISIONS OF WASHINGTON STATE HOUSE BILL 1406 AND CITY OF AUBURN ORDINANCE 6732 TO THE SOUTH KING HOUSING AND HOMELESSNESS PARTNERS

WHEREAS, the 2019 State Legislature enacted SHB 1406 which allows cities and counties to recapture a portion of Washington State sales tax when it is used to support affordable housing initiatives; and

WHEREAS, on September 9, 2019 the Auburn City Council enacted Resolution 5454 and Ordinance 6732 which authorized a recapture of Washington State sales tax that is estimated to generate approximately \$150,000 per year for the next 20 years; and

WHEREAS, on February 19, 2019 the Auburn City Council enacted Resolution 5408 which authorized the Mayor to enter into an Interlocal Agreement (ILA) with 8 other south King County cities and King County to form the South King Housing and Homelessness Partners (SKHHP); and

WHEREAS, the enacted Resolution state that “the Parties have determined that the most efficient and expeditious way for the Parties to address affordable housing needs in South King County is through cooperative action and pooling public and private resources”; and

WHEREAS, all 9 member cities of SKHHP and King County have taken action to enact the sales tax recapture provisions established in SHB 1406; and

WHEREAS, on November 22, 2019 the SKHHP Executive Board took unanimous action to adopt SKHHP Resolution 2019-06, attached as Exhibit A, which urges each of

the 9 member cities and county to pool 100% of the funds collected under the provisions of SHB 1406; and

WHEREAS, if all 9 cities pool the maximum extent of collected SHB 1406 funds to SKHHP the estimated revenue would total approximately \$1,000,000 per year for a 20 year period; and

WHEREAS, HB 1406 funds may be used for the purpose of acquiring, rehabilitating, or constructing affordable housing; funding the operations and maintenance costs of new units of affordable or supportive housing; and

WHEREAS, cities that have a population of less than 100,000 may also use the funds for providing rental assistance to tenants, however, using the funds in this manner will require substantial administrative oversight with respect to preparing a program that requires city staff to review personal income information of individuals who request access to funds and the accounting and auditing the use of funds; and

WHEREAS, the City of Auburn is projected to exceed a population of 100,000 within the 20 year window set forth in SHB 1406 which will prohibit Auburn from using funds for the purpose of providing rental assistance; and

WHEREAS, counties and cities that enact the provisions of SHB 1406 may issue general obligation or revenue bonds, and may use moneys collected under SHB 1406 for the repayment of bonds; and

WHEREAS, SHB 1406 requires counties and cities that enact its provisions to also provide annual reports to the Department of Commerce; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RESOLVES as follows:

Section 1. The administrative costs associated with managing a program that provides rental assistance to tenants combined with the annual reporting requirements established in SHB 1406 are likely to exceed Auburn's estimated annual revenue collection.

Section 2. While \$150,000 is a valuable revenue stream that can be used in Auburn to support various affordable housing initiatives, a contribution to SKHHP will allow the use of SHB 1406 funds to stretch much further and to make a far more profound and meaningful impact to addressing the affordable housing challenges faced in South King County.

Section 3. The Mayor is authorized to take administrative actions necessary to direct funds collected under SHB 1406 and City of Auburn Ordinance 6732 to SKHHP.

Section 4. This authorization is contingent upon each of the other SKHHP cities to take similar actions directing a proportionate amount of SHB 1406 funds to SKHHP.

Section 5. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney

RESOLUTION NO. 2019-06

A RESOLUTION OF THE EXECUTIVE BOARD OF THE SOUTH KING COUNTY HOUSING AND HOMELESSNESS PARTNERS URGING SKHHP MEMBER CITIES TO SUPPORT POOLING OF HB 1406 FUNDS.

WHEREAS, in 2019 the cities of Auburn, Burien, Covington, Des Moines, Federal Way, Kent, Normandy Park, Renton, and Tukwila and King County entered into an Interlocal Agreement (ILA) that formed the South King Housing and Homelessness Partners (SKHHP); and

WHEREAS, pursuant to the ILA, the member cities have a common goal to ensure availability of housing that meets the needs of all income levels in South King County; and

WHEREAS, also pursuant to the ILA, the member cities wish to act cooperatively to formulate housing policies and strategies that address housing stability, to foster efforts to preserve and provide affordable housing by combining public funding with private-sector resources, to support implementation of the Washington State GMA, related countywide planning policies, and other local policies and program relating to affordable housing, and to do so efficiently and expeditiously; and

WHEREAS, also pursuant to the ILA, the member cities have determined that the most efficient and expeditious way for the parties to address affordable housing needs in South King County is through cooperative action and pooling of public and private resources; and

WHEREAS, the ILA states that the parties intend that the ILA serves as a framework for all participating municipalities within the broader SKHHP Sphere of Influence to do the aforementioned work; and

WHEREAS, on July 26, 2019 the SKHHP Executive Board adopted Resolution 2019-05 which urges member cities to declare their intent to enact the provisions of HB 1406; and

WHEREAS, Resolution 2019-05 states that the Executive Board commits to developing options and a recommendation, including for the proposed pooling of funding, that details funding commitments for each member city's legislative authority to consider for future subsequent action; and

WHEREAS, HB 1406 is a powerful and meaningful funding source to further advance the efforts of the housing objectives established through the ILA that, if pooled, will generate approximately \$1,000,000 per year for the eligible 20 year period (See Attachment A); and

WHEREAS, the Executive Board adopts the recommendations contained within this resolution as a unified statement of support by SKHHP member cities.

NOW, THEREFORE, THE EXECUTIVE BOARD RESOLVES as follows:

Section 1. The Executive Board of SKHHP urges all member cities to pool the base sales tax credit revenues collected under HB 1406 and to allocate the full amount of those revenues to SKHHP.

Section 2. In order to maximize HB 1406 funding within King County, the Executive Board of SKHHP urges all member cities to take Ordinance action on HB 1406 after King County takes action.

Section 3. The Executive Board of SKHHP urges King County to award HB 1406 funds to housing development based in the Urban Growth Areas (UGA) of SKHHP member cities in a manner that proportionately represents the cumulative population of the UGA's of SKHHP member cities.

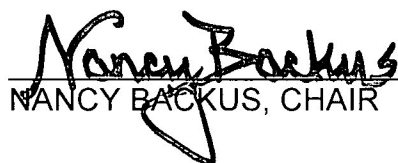
Section 4. The Executive Board of SKHHP commits to aligning the use of HB 1406 funds with the work plan required within the adopted ILA and the recommendation and priorities of the Regional Affordable Housing Task Force Five Year Action Plan.

Section 5. Individual municipalities have unique housing needs and priorities and not every project proposal will align with a city's goals, policies, or laws. The intent and effect of this resolution is not to usurp a city's individual authority. Therefore, if funds are pooled for the purpose of aiding in the creation or preservation of housing, the process for project consideration must allow the city in which the project is proposed to first approve or reject the proposal prior to the Executive Board's commitment of funds to the project.

Section 6. This Resolution will take effect and be in full force on passage and signature.

Dated and Signed this 25th day of November, 2019.

SOUTH KING COUNTY HOUSING AND HOMELESSNESS PARTNERS

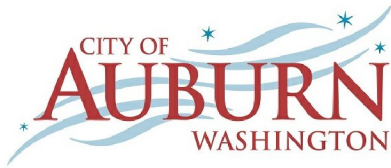

NANCY BACKUS, CHAIR


Shawn Campbell, Auburn City Clerk

SKHHP Resolution 2019-06 Attachment A

Estimated HB 1406 Revenue by SKHHP Municipality (based on 2018 revenues)

City	Estimated Annual Revenue
Auburn	\$154,992
Burien	\$65,477
Covington	\$43,678
Des Moines	\$29,793
Federal Way	\$124,142
Kent	\$185,467
Normandy Park	\$4,866
Renton	\$236,380
Tukwila	\$162,046
Total (not including King County)	\$1,006,841.00



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5477 (Gaub)

Date:

December 10, 2019

Department:

Public Works

Attachments:

[Resolution No. 5477](#)

[Letter of Support](#)

[Route Overview Map](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council adopt Resolution No. 5477.

Background Summary:

Resolution No. 5477 authorizes approval of the letter of support of King County Metro's Locally Preferred Alternative for the RapidRide I Line.

Reviewed by Council Committees:**Councilmember:****Staff:**

Gaub

Meeting Date: December 16, 2019

Item Number: RES.C

RESOLUTION NO. 5477

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, IN SUPPORT OF KING COUNTY
METRO'S LOCALLY PREFERRED ALTERNATIVE FOR
THE RAPIDRIDE I LINE.

WHEREAS, King County Metro proposed the implementation of a new bus line, the RapidRide I Line, to replace bus route 180 from Auburn Station to Kent Station, and to continue to Renton Station, with extended and frequent service hours, up to every 10 minutes; and

WHEREAS, in King County Metro's grant application process with the Federal Transit Administration, a Locally Preferred Alternative must be developed and supported by the local jurisdictions; and

WHEREAS, King County Metro presented the Locally Preferred Alternative to City Council on November 25, 2019; and

WHEREAS, City staff drafted a letter of support for the Locally Preferred Alternative in support of King County Metro's grant application to the Federal Transit Administration.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RESOLVES as follows:

Section 1. The Mayor is authorized to sign the letter of support of King County Metro's Locally Preferred Alternative for the Proposed RapidRide I Line.

Section 2. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 3. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney

December 16, 2019

Rob Gannon
General Manager
King County Metro Transit
201 South Jackson Street
Seattle, WA 98104

Re: City of Auburn's Support for Metro's RapidRide I Line

Dear Mr. Gannon:

The City of Auburn wishes to express its support for the draft Locally Preferred Alternative dated November 13, 2019 for the RapidRide I Line bus rapid transit, which will connect the cities of Auburn, Kent and Renton with fast, reliable and efficient bus service.

The RapidRide I Line alignment has a strong foundation in consideration of population, employment, and activities. As proposed, the RapidRide I Line will connect the regionally designated growth centers of Auburn, Kent, and Renton, all of which are planned to accept additional population and employment as part of the adopted regional growth plan, Vision 2040.

The City of Auburn currently has permitted a multi-family development for 500 affordable housing units within ½ mile of the proposed alignment. It is also anticipated that the RapidRide I Line will encourage additional redevelopment opportunities along the corridor.

Auburn commends Metro for conducting an inclusive outreach process for the RapidRide I Line, with continuous attendance at public events, ongoing online surveys, regular City Council and Transportation Advisory Board updates, and regular meetings and coordination with City staff.

We look forward to continuing our partnership with Metro and the RapidRide team through implementation of the RapidRide I Line in Auburn. This new service will be an asset for this community. If you have further questions, please do not hesitate to contact Cecile Malik at 253-876-1964 or cmalik@auburnwa.gov.

Sincerely,

Nancy Backus,
Mayor

cc: Greg Mcknight, Project Manager III- RapidRide, King County Metro

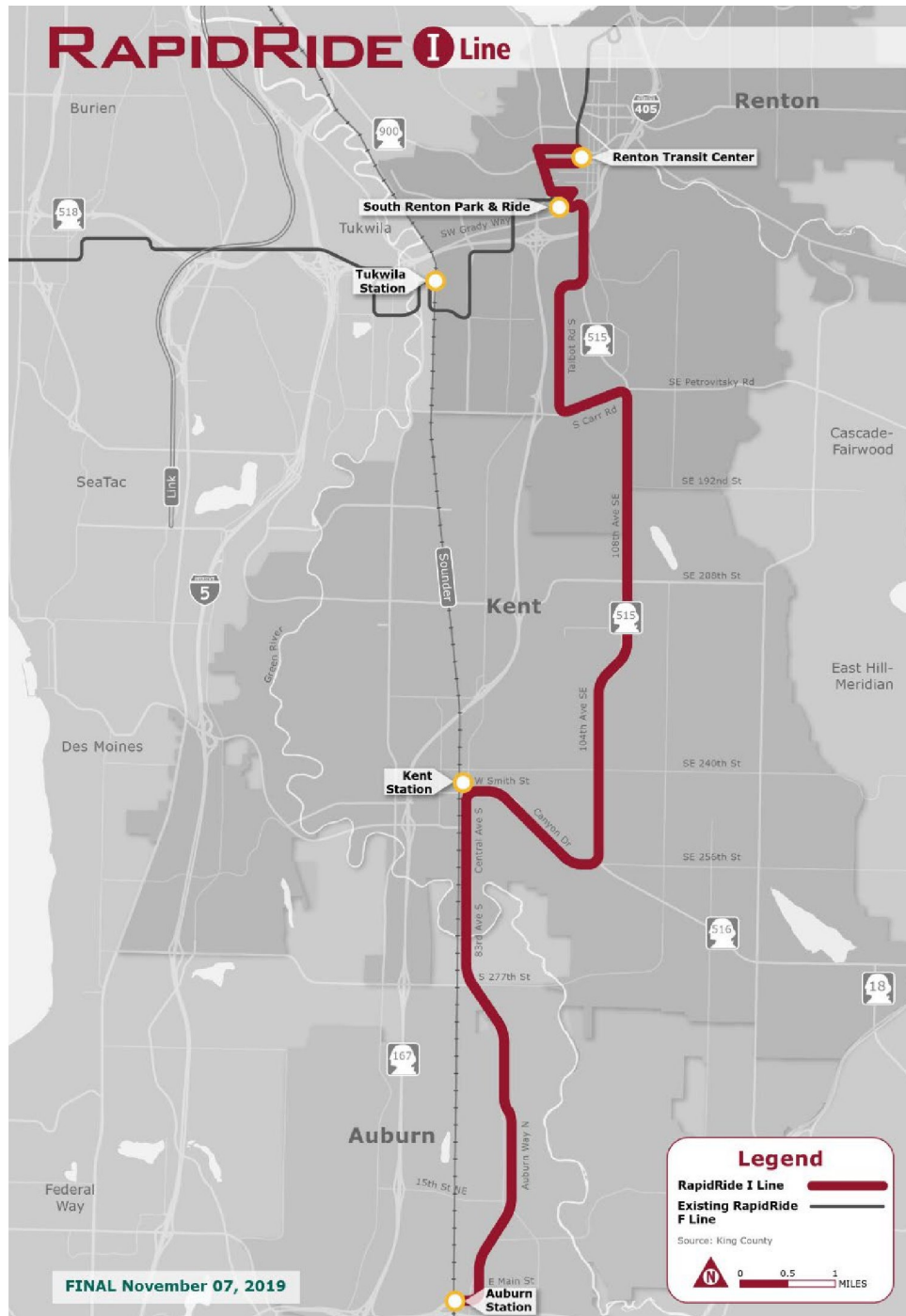
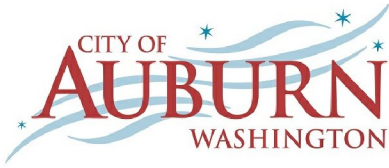


Figure 1-1: RapidRide I Line Corridor Map



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5478 (Gaub)

Date:

December 10, 2019

Department:

Public Works

Attachments:

[Resolution No. 5478](#)

[Letter of Support](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council adopt Resolution No. 5478.

Background Summary:

Resolution No. 5478 authorizes approval of the letter of support of King County Metro's proposed transit changes within the City of Auburn.

Reviewed by Council Committees:**Councilmember:****Staff:**

Gaub

Meeting Date: December 16, 2019

Item Number:

RES.D

RESOLUTION NO. 5478

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, IN SUPPORT OF KING COUNTY
METRO'S PROPOSED TRANSIT SERVICE CHANGES.

WHEREAS, King County Metro proposed transit services changes within the City of Auburn, as a part of the Renton-Kent-Auburn Area Mobility Plan.

WHEREAS, King County Metro presented the proposed transit service changes to City Council on November 25, 2019.

WHEREAS, City staff drafted a letter of support for King County Metro's proposed transit service changes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RESOLVES as follows:

Section 1. The Mayor is authorized to sign the letter of support of King County Metro's proposed transit service changes.

Section 2. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 3. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Steven L. Gross, City Attorney

December 16, 2019

Rob Gannon, General Manager
King County Metro Transit
King Street Center, KSC-TR-0415
201 S. Jackson St.
Seattle, WA 98104-3836

Re: Renton-Kent-Auburn Area Mobility Plan

Dear Mr. Gannon:

The City of Auburn supports King County Metro's (KCM) Renton-Kent-Auburn Mobility as summarized below:

Route 180: The proposed restructure removes a portion of current route 180, which will become route 160, and no longer serve a portion of the original route, will extend service hours and frequencies, and will later become the southern portion of the RapidRide I Line. The southern portion of the original route 180 will become route 184 and remain unchanged.

Routes 910 and 917: The northern portion of the route 910 is proposed to be removed which caused City staff to be concerned that elderly and disabled populations may be left without transit options to access the Outlet Collection area. In response to these concerns, KCM staff performed additional onboard and other engagement activities and determined the impact of the removal of this partnership route appears to be minimal, and KCM staff indicated additional services will be identified for individuals not served by other routes and the City looks forward to further discussions on these additional services. The remaining portion of route 910 is proposed to be combined with route 917 and additional trips will be added. This route will no longer connect to proposed route 184, and will expand service beyond Algona to serve White River Junction in Pacific.

Route 181: This route will receive Sunday service to benefit Lea Hill and the Green River College community.

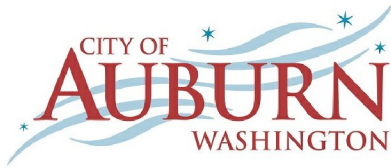
Routes 916 and 186 will be combined into one single, all day route, with no changes to the schedule. The single route will be route 916.

We appreciate the outreach process that included members of City staff, elected officials, and community members, which ensured broad participation during the plan's development. We encourage the King County Council to adopt the proposed Renton-Kent-Auburn Mobility Plan with implementation in September 2020.

Respectfully,

Nancy Backus,
Mayor

CC: King County Executive Dow Constantine



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5479 (Tate)

Date:

December 10, 2019

Department:

Community Development

Attachments:

[Resolution No. 5479 - Human Services Workplan](#)

[Resolution No. 5479 - Exhibit A - 1 and 2 Docs](#)

[Resolution No. 5479 - Exhibit B](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Adopt Resolution 5479

Background Summary:

On October 14, 2019 the Human Services Committee held a joint meeting the Auburn City Council. During the same evening Cloudburst Consultants delivered a presentation to both the Committee and the Council that provided an overview of the City of Auburn Community Needs Assessment.

During the November 25, 2019 regularly scheduled monthly Human Services Committee meeting the Committee developed a recommendation for Mayor and Council consideration that is based on the October 14, 2019 discussion and the findings of the Community Needs Assessment. The Committee's recommendation is provided as Attachment A.

City staff has prepared Resolution 5479 which establishes a 2020 Human Services work plan that is intended to further inform the Committee, Council and Administration of options, actions, and recommendations, as well as a better regional understanding of how other nearby communities are supporting human service objectives.

Resolution 5479 was presented to City Council during the December 9, 2019 study session.

Reviewed by Council Committees:

Councilmember: Trout-Manuel

Staff:

Tate

Meeting Date: December 16, 2019

Item Number:

RES.E

RESOLUTION NO. 5479

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, ESTABLISHING A 2020 HUMAN SERVICES WORK PLAN

WHEREAS, the Auburn City Council approved the 2019/2020 biennial budget which included a specific budget allocation for the City to perform a Community Needs Assessment that would, at a minimum, collect community data, evaluate existing human service delivery approaches, and identify human service priorities; and

WHEREAS, on October 14, 2019 the City of Auburn Community Needs Assessment was presented to City Council; and

WHEREAS, the Needs Assessment identifies human services priorities and funding aspirations; and

WHEREAS, Auburn City Code Chapter 2.36 creates the Human Services Committee. The purpose of the Committee is to assist and advise elected officials of the City in the identifying the local social service needs and recommending priorities to meet those needs including but not restricted to proposing programs, reviewing and evaluating existing programs, encouraging citizen participation, and performing other assignments referred to the committee by the mayor or council as deemed appropriate; and

WHEREAS, on October 14, 2019 the City's Human Services Committee and the City Council held a joint meeting to share and discuss human service issues; and

WHEREAS, based on the findings of the Needs Assessment and the discussion points of the October 14, 2019 joint meeting, the Human Services Committee cast a unanimous vote during their November 25, 2019 meeting in favor of a recommendation to transmit to the Auburn City Council; and

WHEREAS, the Committee's recommendation include how to prioritize the human services budget allocation, funding targets for priority areas, overall desired funding levels, setting a minimum grant level, and re-evaluation of community data and measurement of progress; and

WHEREAS, the Committee recommends formalizing the Needs Assessment suggested funding priorities that include housing and associated services, homelessness interventions, housing-related supportive services, basic needs, and job training and education; and

WHEREAS, the human services grant funding cycle is not in alignment with the timing of the City biennial budget process. The funding level established in the City budget is defined in an offset year as compared to the solicitation, review and award of human service grants. Because Auburn cannot unilaterally realign these cycles, alternative approaches are necessary in order to create more predictability of human service funding levels; and

WHEREAS, since 2011 the human service funding level dedicated to awarding grants to human service agencies has remained static and has not grown proportionate to the City's overall budget or the City's population; and

WHEREAS, human service funding levels dedicated to human service agencies is of greater importance during periods of recession and high unemployment when a greater percentage of the population is likely to have more need to obtain human services, therefore, it is important to ensure that funding levels are protected and are at less risk of reductions in order to ensure sustained delivery of human services; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN,
WASHINGTON, RESOLVES as follows:

Section 1. The City Council values the contribution of the Human Services Committee and the recommendations that the Committee drafts, deliberates on, and transmits to the Council (attached as Exhibit A).

Section 2. The City of Auburn would benefit from exploring ways to identify sustainable funding sources that ensure sustained delivery of human services during both prosperous and challenging economic conditions.

Section 3. Based on the findings of the Community Needs Assessment it is important to identify human service priorities and funding targets.

Section 4. The City Council values opportunities to create greater efficiency in the delivery of human services within the community and to establish improved methods for evaluating the efficacy of services that are funded by the City.

Section 5. The Mayor is authorized to take administrative actions necessary to implement the 2020 human services work plan identified in Exhibit B of this resolution.

Section 6. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed: _____

CITY OF AUBURN

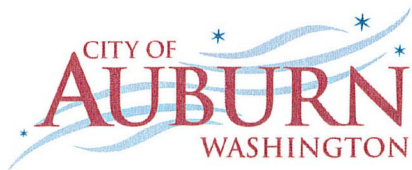
NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Steven L. Gross, City Attorney



Nancy Backus, Mayor

25 West Main Street * Auburn WA 98001-4998 * www.auburnwa.gov * 253-931-3000

November 27, 2019

To Mayor Nancy Backus and Auburn City Council:

Thank you for your time at the October 14th, 2019 City Council Study Session. The Human Services Committee was grateful for the opportunity to connect and have deeper conversations on the needs of our community and how to address them. We are pleased to present you with a set of recommendations which was unanimously adopted by the Human Services Committee at the November 25, 2019 Committee Meeting.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "Jason Berry", written over a horizontal line.

Jason Berry, Chair
Human Services Committee

A handwritten signature in blue ink, appearing to read "Sue Miller", written over a horizontal line.

Sue Miller, Vice-Chair
Human Services Committee

cc: Jeff Tate, Director of Community Development
Joy Scott, Community Services Manager

Human Services Committee
Recommendations for Human Services Funding and Priorities
Adopted at November 25, 2019 Meeting

Background:

Prior to the start of the human services competitive application process for 2019-2020 funding, the Human Services Committee and City Council discussed the City's human services funding priorities. The Council passed a set of revised funding priorities and requested additional data collection and analysis for future years to ensure that the priorities reflected the most significant current community needs.

In 2019, the City of Auburn contracted with a consulting firm to conduct a Community Needs Assessment. The assessment was intended to support the CDBG Consolidated Planning process, provide a picture of human services needs and gaps in the community, and create funding priority recommendations for the City's competitive human services funding process.

Needs Assessment:

Key Recommendations from the Needs Assessment include:

- Increase the Human Services budget to meet the growing need; funding Human Service priorities at a minimum of 1% of General Fund Expenditures (not including CDBG public service funds), adjusting annually to meet increases in population.
- Prioritize 75% of budget allocations to enhance and increase housing, emergency shelter, supportive services, and housing related basic needs resources that are evidence-based and align with the local and national best practices. Ensure resources are flexible and rooted in Progressive Engagement, providing what a person needs at the time they request assistance.
- Prioritize 25% of budget allocations to meeting non-housing basic needs, job training programs and education services (food access, youth programming, domestic violence programs, health, legal supports, etc.)
- Program and system alignment with the Housing First philosophy, ensuring low barriers and quality supportive services so all people have access to basic housing, shelter and service needs
- Implement a system navigation approach that promotes streamlined and trauma-informed access to community resources and housing location services

At the October 14, 2019 joint meeting of the City Council and the Human Services Committee, council and committee members heard from the Consultants about Needs Assessment findings and discussed the recommendations related to funding for the City's human services competitive application process. Members of both the Council and the Committee were supportive of continuing to discuss how to allocate resources to best meet community need.

The Human Services Committee has discussed the findings and recommendations of the Community Needs Assessment and emphasizes the following findings:

- "Over half of renters and 1/3 of homeowners in Auburn experience a housing problem (cost burden is overwhelmingly the most common housing problem experienced), resulting in thousands of Auburn households paying a high percentage of their income toward housing costs and unable to afford other necessities. This situation forces difficult household spending decisions on a monthly basis and an increased demand on community resources to meet basic needs. The Human Service system is experiencing more demand from residents than ever before and has become increasingly tapped by service providers to fund additional needs. The upward trend in the cost of living has put a great deal of pressure on Auburn residents, and this

trend is expected to continue. To meet this challenge, **additional funding to the Human Services budget is imperative**, focusing primarily on housing and emergency shelter resources with strong services to support people in addressing housing challenges and connecting to mainstream community resources so they can sustain housing long-term and thrive in the City of Auburn.”

- The City of Auburn should allocate funding to services that utilize evidence-based best practice models. These models, including Housing First, Housing Problem Solving, and Progressive Engagement, will maximize local impact and be key to making progress in our community on issues of housing and homelessness.
- A formal list of Human Service Funding priorities that are clear, concise, and have specific program examples should be adopted. This will help with clear communication between the City, Auburn residents, and human service providers.

While proven to be highly effective on a national and local level in ending homelessness, programs that provide rental assistance and wraparound services with a Progressive Engagement model require deeper levels of funding per household than “light touch” interventions such as one-time financial assistance. The Committee is supportive of bringing this model to individuals and families experiencing homelessness in this community. However, as expressed at the October 14th study session, a primary focus of the Committee is to ensure that funding decisions don’t destabilize our residents by removing local access to needed basic services. In the last funding cycle, the city allocated \$265,685 to the recommended “Basic Needs” category. The recommendations from the Committee take into account the average requests for Basic Needs funding by agencies and the overall funding level required to effectively invest in both housing and non-housing interventions.

Recommendations:

1. **Allocate 2% annually** of the total prior year’s general fund expenditures to the City’s competitive human services funding process.
2. For the 2021-2022 and 2023-2024 budget cycles, **adopt the following human services funding priorities**, consistent with Needs Assessment recommendations:
 - a. Housing and Associated Services
 - i. Programs that provide ongoing rental assistance and supportive services for individuals and families experiencing homelessness utilizing the Progressive Engagement model. Programs are characterized by ongoing case management and wraparound services as needed in addition to rental or other housing supports.
 - b. Homelessness Interventions
 - i. Programs that engage individuals and families experiencing homelessness in housing problem solving, including shorter-term, “light touch” models such as diversion and rapid exit from shelter.
 - c. Housing-related Supportive Services
 - i. Programs that meet housing related basic needs, including eviction prevention, utility assistance, shelter, storage, laundry, showers, and other homelessness prevention supports.
 - d. Basic Needs
 - i. Programs that meet a diverse array of non-housing related basic needs, including food access, youth programming, domestic violence advocacy,

physical and behavioral health, childcare resources, immigration supports, legal assistance, etc.

e. Job Training and Education

- i. Programs that provide education, job training and placement, or apprenticeship opportunities with the aim of increasing economic opportunities for participants.

3. **Attach the following target percentages to priority funding areas** (Note: the Committee will score applications according to priority category and provide funding recommendations to City Council consistent with this methodology. However, as funding allocations are dependent upon receiving strong applications from providers, the percentages should be viewed as targets rather than firm requirements.)

- a. Housing and Associated Services: 28%
- b. Homelessness Interventions: 28%
- c. Housing-related Supportive Services: 15%
- d. Basic Needs: 20%
- e. Job Training and Education: 9%

Distribution of Funds by Priority Area



4. In order to support agencies in providing deeper service levels and successfully manage a larger allocation within existing staff capacity, **set a minimum level of funding per grant** and strive to provide larger grant awards per program.
5. Together with the Human Services Committee, **revisit community level data and progress towards outcomes** in the third quarter of 2023 to evaluate efficacy of existing allocations and adjust as needed to reflect current community need for the 2025-2026 funding cycle.

The Committee recognizes that the City Council must balance the increasing human services needs in the community with other priority funding areas. While the Committee believes that **a 2% allocation would make the largest community-level impact**, the funding allocation strategy provided above could be feasibly implemented with a 1.5% allocation. In this scenario, the Committee recommends allocating 1.5% in the 2021-2022 cycle and 1.75% in the 2023-2024 cycle toward the human services competitive

application process, working towards a 2% funding allocation for human services grants in the 2025-2026 biennial budget.

It is important to note that the Committee's analysis of the report concluded that one of the primary homelessness intervention strategies will not be possible to implement at a funding level below 1.5% without significant and deep cuts to basic needs services in the community, including such programs as domestic violence and sexual assault, dental and medical services, and food access. If funding for Human Services is provided at a level below 1.5%, the Committee would need to reassess how to prioritize and distribute funding in order to balance the housing-focused recommendations with other basic needs in the community.

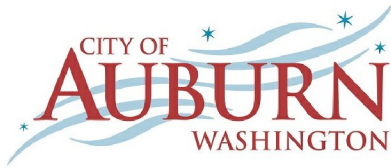
Exhibit B – Resolution 5479 2020 Human Services Work Plan

In 2020 City Staff and the Human Services Committee will conduct research, evaluate options, and provide alternative recommendations for City Council consideration in the following areas:

1. Bridging Budget Process. The human services grant funding cycle occurs every two years. The City budget is developed every two years as well. Solicitation, review and award of grant applications occurs during the same year that the City budget is developed. This means that when the grant funding cycle begins, City staff, the Human Services Committee and the community are not certain what funding level will be included within the City budget. Furthermore, the grant funding cycle concludes prior to adoption of the City budget. The timing of the budget process cannot be changed. The timing of the grant funding cycle can only be changed if it is done so on a regional basis. Without a regional change or a local solution this misalignment creates budgetary uncertainty and risk because the Committee is operating under a funding assumption rather than funding certainty.
2. Establishing Funding Levels. The pool of human service grant funds has remained static since 2011 while the overall general fund budget and population have increased. As the general fund budget and population increase human services grant funding has not kept pace. Human service grant funds are made available from the City's general fund. Other more sustainable funding options should be explored and implemented in order to develop a balanced package of stable funding sources and strategies that support the delivery of human services consistent with adopted priorities.
3. Formalizing Funding Priorities. City funds are very limited and need to be directed to those areas that have the greatest impact. Staff will develop administrative procedures that ensure that priorities consistent with the Community Needs Assessment guide the Committee's work in their development of recommendations for the distribution of human services funding.
4. Implementing Administrative Efficiencies. Explore opportunities to implement minimum grant funding levels that strike a balance between meaningful grant contributions and the administrative burdens associated with overseeing contracts with each grant that is awarded.

With respect to the above, City Council would like to understand the following:

- How Auburn currently compares to the cities of Kent, Federal Way, Renton, Burien, and Tukwila and how any recommendations would compare to these cities.
- How these same cities address the budget dilemma described in item #1.
- Is there an opportunity for a regional discussion about modifying the timing of the grant funding cycle in order to remove the misalignment, especially since other cities are likely facing a similar dilemma.
- How the above items might be addressed if formalized through administrative practice/procedure, council resolution, or adopted ordinance.
- How the Committee would address a Council decision if funding were raised to an approximate 1% of general fund, if it were raised to 1.25%, if it were raised to 1.5%, and if it were raised to 2%.
- The benefits of basing the human services grant funding level to a percentage of general fund vs. a per capita basis (given that the Committee's recommendation uses percentage of general fund and the stated concern that a general fund budget cut will lead to a human services budget cut).
- Identification of funding sources that the other comparable communities have been able to secure in order to boost their human service funding.
- How grant funding levels, award processes, and service delivery and outcome monitoring compare to other human services being funded by the City. And how the identified communities have funded other human services besides grant funding.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5480 (Hinman)

Date:

December 11, 2019

Department:

Administration

Attachments:

[RES 5480 Skyline Leasing LLC Lease](#)

[Term Sheet with Premises](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Adoption of Resolution No. 5480 authorizing the Mayor to negotiate and execute a lease agreement with Skyline Leasing LLC for office on Auburn's Municipal Airport.

Background Summary:

Skyline Leasing LLC is an aircraft leasing and management company. In addition to aircraft leasing, Skyline Leasing will be taking over the flight training responsibilities of Classic Helicopter's existing fixed wing students beginning January 1, 2020.

Reviewed by Council Committees:**Councilmember:****Staff:**

Hinman

Meeting Date: December 16, 2019

Item Number:

RES.F

RESOLUTION NO. 5480

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO AN AIRPORT LEASE AND AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE AN AIRPORT OFFICE LEASE WITH SKYLINE LEASING LLC.

WHEREAS, beginning on January 1, 2020, the City of Auburn municipal airport will have office space available for lease to private airport-related businesses; and

WHEREAS, Skyline Leasing LLC is interested in leasing such office space for their aircraft leasing, sales and flight training business; and

WHEREAS, the public, and airport customers benefit from having Skyline Leasing LLC located on the airport.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RESOLVES as follows:

Section 1. The Mayor is authorized to negotiate and execute a lease between the City of Auburn and Skyline Leasing LLC in substantial conformity with the attached "Term Sheet".

Section 2. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 3. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney

Skyline Leasing LLC terms for the Auburn Airport

December 5, 2019
Skyline Leasing LLC
Attn: Ichiro Seshima

Term Sheet

Premises: That "Flight Training" portion of the Airport Administration Building as depicted in the attached "Premises" Exhibit

Tenant is taking the Premises as-is, where-is

Base Rental Rate: \$500.00 per month will be inclusive of all common area usage and maintenance fees, utilities (excluding internet & communication services) and security fees

Leasehold Tax: A State mandated Leasehold Tax in the amount of 12.84% will be charged to the gross monthly rental payments

Common Area Fees: Included as part of the base rental rate

Rental Adjustments: City reserves the right to adjust the base rental rate as it deems necessary by providing Tenant with 30 day advanced written notice.

Uses: Aircraft rental, Aircraft sales & Flight instruction

Term: Month-to-month commencing January 1, 2020

Internet & Communication Services: Tenant is responsible at its sole cost and expense for establishing and maintaining its own internet and communication services

Auburn City Council: The terms contained within are subject to the ratification of the Auburn City Council. If approved both parties will take reasonable steps to execute a formal lease based in substantial conformity to the terms contained within and approved by City Council prior to January 1, 2020

Each party by signing below acknowledges and agrees to the terms as set forth above.

Tenant

Signature: 

Print Name: Rinko Yanagawa

Title: Member

Date: Dec. 6, 2019

Landlord

Signature: _____

Print Name: _____

Title: _____

Date: _____