

WORKABLE PROGRAM FOR COMMUNITY IMPROVEMENT

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT WASHINGTON, D.C. 20410

ADVANCE NOTICE OF REVISED CODE REQUIREMENTS FOR A WORKABLE PROGRAM FOR COMMUNITY IMPROVEMENT

Section 301(a) of the Housing Act of 1964 amended Section 101(c) of the Housing Act of 1949 to require that, effective September 2, 1967, "... no workable program shall be certified or recertified unless (A) the locality has had in effect, for at least six months prior to such certification or recertification, a minimum standards housing code, related but not limited to health, sanitation, and occupancy requirements, which is deemed adequate by the Secretary, and (B) the Secretary is satisfied that the locality is carrying out an effective program of enforcement to achieve compliance with such housing code."

This Guidelines provides advance notice of revised requirements for local code adoption and enforcement under Section 101(c) as amended. In addition, it sets forth an interim set of standards effective March 2, 1967. These interim standards are being established to provide an orderly and equitable transition from the present code requirements of the Workable Program to those effective on September 2, 1967.

Any community which does not now meet the revised requirements should understand the minimum standards for approval and their effective dates, under both the interim standards and those required under the amended Section 101(c).

While Section 301(a) of the 1964 Act cites only a requirement for the adoption and enforcement of a housing code; building, plumbing, electrical and fire prevention codes are equally pertinent to the intended purposes of this Section. Under the language of Section 101(a) of the Housing Act of 1949, as amended, which cites "... the adoption, modernization, administration and enforcement of housing, zoning, building and other local laws, codes and regulations,..." as a major element in the development of "...positive programs ... for preventing the spread or recurrence in the community of slums and blighted areas, ... encouraging housing cost reductions ... and the elimination of restrictive practices which unnecessarily increase housing costs"; and under the general authority of Section 101(c), the adoption and enforcement, in concert, of all five basic codes has heretofore been a part of Workable Program policy. Therefore, the requirements with respect to the adoption and enforcement of the housing code will apply also to the adoption and enforcement of building, plumbing, electrical, and fire prevention codes.

INTERIM STANDARDS FOR CODES AND ORDINANCES ELEMENT

In anticipation of the September 2, 1967, effective date of the amendment, at which time adequate codes must have been in effect for at least 6 months, and in order to provide for an orderly and equitable transition from

the present code adoption and code enforcement requirements under the Workable Program, applicable present requirements are revised as follows, effective March 2, 1967:

For initial certification. Application for initial certification of a Workable Program will not be accepted for processing by HUD Regional Offices unless the locality (1) has in effect, building, plumbing, electrical, housing, and fire prevention codes deemed adequate by the Secretary, and (2) is enforcing (or commits itself to enforce without delay) the building, plumbing, electrical and fire prevention codes, and has initiated (or commits itself to initiate without delay) an interim housing code compliance program, including the development of a planned, systematic, comprehensive community-wide housing code compliance program.

For first recertification. Applications for first recertification of a Workable Program will not be accepted for processing by HUD Regional Offices unless the locality (1) has in effect building, plumbing, electrical, and fire prevention codes deemed acceptable by the Secretary, and submits acceptable evidence that it has retained sufficient trained staff to effectively administer these codes, and (2) has in effect a housing code deemed adequate by the Secretary, and submits acceptable evidence that it has been conducting an effective interim housing code compliance program, including the development of a planned, systematic, comprehensive, long-range housing code compliance program.

For second and subsequent recertifications.

No change in applicable present requirements.

REQUIREMENTS TO BECOME EFFECTIVE SEPTEMBER 2, 1967

For initial certification. Applications for initial certification will not be accepted for processing by HUD Regional Offices unless the locality (1) has had in effect for at least 6 months (or will have had by the expected certification date) building, plumbing, electrical, housing, and fire prevention codes deemed adequate by the Secretary, (2) submits acceptable evidence that it has initiated an interim housing code compliance program, and (3) submits acceptable evidence that it has established an appropriate administrative organization, which can effectively carry out code enforcement activities.

For first recertification. Applications for first recertification will not be accepted for processing by HUD Regional Offices unless the locality (1) has had in effect, for at least six months (or

will have had by the expected recertification date) building, plumbing, electrical, housing, and fire prevention codes deemed adequate by the Secretary, (2) submits with its application acceptable evidence that it has in existence an effective program for enforcement of its building, plumbing, electrical, and fire prevention codes, including an adequate budget, sufficient trained staff, and an appropriate system of forms, records, and reporting so as to make the program operative, (3) submits with its application acceptable evidence that it has been conducting a successful interim housing code compliance program, including the establishment of an appropriate system of forms, records, and reporting and the employment of an adequate staff for inspections, record-keeping, and compliance actions to make the program operative, and (4) has prepared, adopted, and submitted a planned, systematic, area-by-area, community-wide, comprehensive, long-range housing code compliance program designed to secure compliance with the provisions of the adopted housing code within a reasonable number of years and to maintain all residential properties up to the minimum housing standards established in the community, together with an estimated budget to carry out the program as planned and scheduled.

Subsequent recertifications will depend largely on (1) the actions taken by the community to keep its codes up to date, (2) the maintenance of an effective enforcement organization and program for administration of all codes, and (3) the success of the community in making reasonable progress in meeting the schedules established in its long-range housing code compliance program. (Note: Revisions and adjustments may be made in the long-range housing code compliance program as circumstances may require, so long as they do not limit enforcement or extend the compliance schedules and staffing commitments. Such adjustments should be based upon an annual evaluation of progress as related to the established long-range goals, taking into account all proposals affecting local housing conditions and the availability of standard housing in the community.)

The material under the following headings further defines and explains the criteria for acceptable adoption and enforcement of codes under the Workable Program:

HOUSING CODE--CRITERIA FOR ADOPTION

To be deemed adequate by the Secretary, a housing code must (1) be the latest published edition of one of the nationally recognized model housing codes or (2) be a State or locally developed housing code which contains technical

and administrative provisions that are reasonably comparable to those in the latest published editions of the model codes, and (3) contain the following provisions, whether or not these are provided for in the model code adopted or used as a guide:

- (a) Be fully applicable, from the date of its adoption, to all housing in the community, regardless of when or under what code such housing was originally constructed.
- (b) Require a fully equipped bath and toilet facility for every dwelling unit.
- (c) Provide for an adequate means of egress.
- (d) Provide for an effective administrative and appeals procedure.

OTHER CODES--CRITERIA FOR ADOPTION

Adoption of the latest published edition of the nationally recognized model building, plumbing, electrical, and fire prevention codes, without revision or modification except for minor administrative adjustments, will be deemed adequate by the Secretary.

Adoption of a State or locally developed building, plumbing, electrical, or fire-prevention code which contains technical and administrative provisions reasonably comparable to those contained in the latest published editions of the nationally recognized model codes may also, upon review and analysis, be deemed adequate by the Secretary, except that no such code will be deemed acceptable which contains deviations, or revisions which are unreasonably incompatible with the standards established by the model codes, or which contains deviations or restrictive practices so numerous or of such magnitude as to materially and unreasonably increase the cost of construction or rehabilitation. The provisions of these codes shall also become effective from the date of adoption.

INTERIM HOUSING CODE COMPLIANCE PROGRAM

The details of an acceptable interim housing code compliance program, as referred to above, are set forth in Guidelines G-9, "Housing Code Compliance During the First Year Following Adoption of the Housing Code."

A PLANNED AND SYSTEMATIC PROGRAM OF HOUSING CODE COMPLIANCE

The details of a planned and systematic program of housing code compliance, as referred to above, are set forth in Program Guide No. 1, "Answers on Codes and Ordinances", and Guidelines G-8, "Systematic Housing Code Compliance."

CODE ENFORCEMENT IN RELATION TO PLANNED FEDERAL-AID PROGRAMS

In establishing its long-range compliance program, each community should give consideration to its long-range plans for utilizing the Federal housing and urban renewal aids in the affected areas. However, these aids are to be used in combination with, rather than as substitutes for, an effective local enforcement program. The use of the Federal aids may require an intensification of the local enforcement program in order to assure a sufficient supply of standard replacement housing for persons temporarily displaced from project areas. It is important that the local enforcement program include surveillance over areas scheduled for future urban renewal treatment in order to correct conditions that are hazardous or injurious to health and welfare and to prevent further deterioration pending the actual start of project execution.

WORKABLE PROGRAM ELEMENTS RELATED TO CODE ENFORCEMENT

Although specific requirements are not being changed at this time for other elements of a Workable Program, localities (particularly those in the early stages of code enforcement programs) should bear in mind that the effectiveness of any local housing code enforcement program will require solid community support; coordinated social, family, and welfare services to families in need of such services, and a well-organized relocation service, including a program for seeing that adequate relocation housing is available. Therefore, in order to meet the new code requirements, a community may have to step up its timing of other activities under the Workable Program.

DOCUMENTATION

The above elements of an effective program of codes adoption and enforcement should be carefully and fully documented in appropriate sections of the application for Workable Program certification or recertification (HUD Form H-1081, H-1082, H-1083, or H-1084 as appropriate) and in the necessary exhibits to accompany the Form.

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