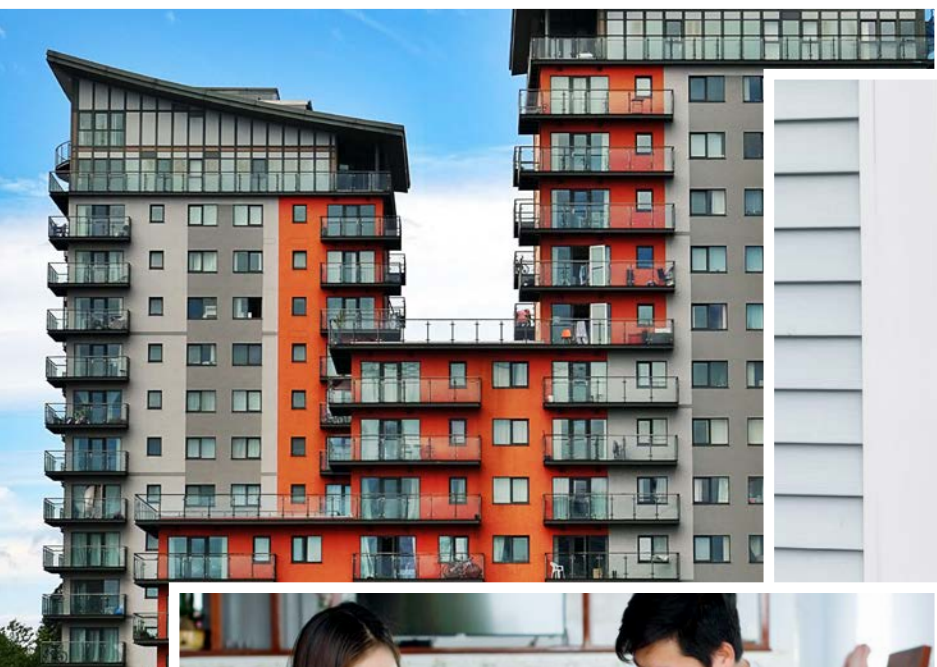


A Guide to Proactive Rental Inspections 2022



Contents

Key Terms	3
Chapter 1: Introduction	4
Poor Housing Quality & Health	5
Proactive Rental Inspection Programs as a Key to Improving Housing Quality	7
Purpose of This Guide	7
Community Engagement for PRI Programs: How to Be a Good Partner	8
Chapter 2: Making the Case for Proactive Rental Inspections	9
The Pitfalls of Traditional Housing Code Enforcement	10
Why Proactive Rental Inspections?	11
How Does Preemption Affect PRI Programs?	14
Chapter 3: Which Properties Should Be Included in PRI Programs	16
Step 1: Identify Rental Properties & Gather Data About Them	17
Step 2: Decide Between Rental Licensing & Rental Registration	18
Step 3: Design Your Rental Licensing or Rental Registration Program	20
Step 4: Determine What Housing Will Be Inspected as Part of Your PRI Program	21
Chapter 4: PRI Program Rollout	24
Step 1: Identify, Inform & Involve Key Stakeholders	25
Step 2: Develop Hiring, Staffing, Training & Operations Plans	26
Step 3: Determine How to Fund Your PRI Program	29
Step 4: Determine a Rollout Schedule	31
Chapter 5: Property Inspections for PRI Programs	32
Step 1: Determine the Process for Issuing Notice of Inspections	33
Step 2: Determine Criteria for Inspections	34
Step 3: Determine What Parts of the Rental Property Are Inspected	35
Step 4: Determine the Frequency of Inspections	36
Step 5: Anticipate Inspection Challenges	38
Chapter 6: Equitably Enforcing PRI	41
How Can Communities Enforce Compliance Using Local Housing Code?	42
Administrative Enforcement	43
Civil Enforcement	45
Criminal Enforcement	46
Emergency Enforcement	46
What Is Equitable Enforcement?	47
Inequitable Enforcement	48
How to Design & Implement an Equitable Enforcement Strategy	50
Chapter 7: Data Management, Reporting & Tracking in PRI Programs	57
Step 1: Consider Integrated Technology for Effective Data Management	58
Step 2: Establish Reporting Practices for Your PRI Program	59
Step 3: Track & Monitor PRI Progress	60
Conclusion	63
Acknowledgments	65
Notes	66

Key Terms

Code enforcement agencies: Local departments and agencies that bring enforcement actions against landlords who have violated local housing codes. These agencies are sometimes located within local government departments such as inspectional services, housing, building, and community development, among others. Code enforcement agencies generally consist of housing inspectors and administrators but may also include prosecuting attorneys.

Code enforcement officers: Individuals charged with bringing enforcement actions against landlords who have violated local housing codes. In many but not all instances, code enforcement officers are also housing inspectors.

Community: A group of people who are located in a particular geographic area or political jurisdiction, or a group of people who share a common identity or characteristic but may not be located in a single geographic area.

Cooperative compliance: A code enforcement model that seeks not only to help landlords fix violations but also to help property owners understand their rights and responsibilities as well as the benefits of maintaining the quality of rental units above what is minimally required by code.

Enforcement: A process of ensuring compliance with laws and policies.

Equitable enforcement: A process of ensuring compliance with laws and policies that considers and minimizes harms to underserved communities.

Fees: Payments for specific city functions. Fees are primarily intended to cover operational costs.

Fines: Monetary penalties for code violations. Fines are primarily intended to incentivize compliance, not to raise revenues for local government.

Houseless: Being without a housing unit to live in, or lacking permanent housing.

Overenforcement: A process in which specific populations are disproportionately affected by punitive approaches to enforcing laws and policies.

Preemption: The legal doctrine that allows a higher level of government to limit or even eliminate the power of a lower level of government to regulate a specific issue.

Proactive rental inspection (PRI) programs: Regular, mandatory inspections differentiate PRI programs from complaint-based rental housing inspection programs. Proactive rental inspection programs are known by many names – for example, *systematic code enforcement*, *periodic code enforcement*, *rental housing inspection*, and *rental registration and licensing*.

Rental licensing programs: City-run programs that require landlords to obtain and maintain a license to rent housing to tenants (in the form of certificates of occupancy, business licenses, or otherwise).

Rental registries: City-run programs that either ask landlords to voluntarily register their rental properties with the city or require landlords to pay a small fee to register their properties.

Structural discrimination: Operates similarly to structural racism through policies, cultural norms, and institutional practices but accounts for how multiple dimensions of identity and interlocking systems of oppression shape individual experience.¹⁻³

Structural racism: Discrimination that takes the form of a “system in which public policies, institutional practices, cultural representations, and other norms work in various, often reinforcing ways to perpetuate racial group inequity.”⁴

Underenforcement: A process in which specific populations are underserved or inconsistently served by enforcement of a law so that they are not receiving the benefit that the law is meant to convey.

Underserved community: A group of people who have historically received scant investment and services from the public and private sectors relative to their needs, due to structural discrimination or other factors linked to power and influence. This term is intended to indicate that although these communities have drawn on their own resources and resilience to survive and even thrive in some instances, systems and institutions have failed to adequately meet their needs.

CHAPTER 1: Introduction

Where you live greatly influences your health. Research clearly demonstrates that the homes and neighborhoods where people live play a key role in their health.^{5,6}

Law and policyⁱ shape how our communities develop, affecting the type of housing that people live in, where that housing is located, and how often residents need to move. Due to centuries of structural racism and discrimination embedded in our housing system⁷ – including racial covenants,⁸ redlining,⁹ the use of eminent domain,^{7,10} and even modern tax policies¹¹ – we live in a society with persistent place-based and race-based health disparities.¹² Although no single policy is a panacea for issues of historic and deeply entrenched inequity, proactive rental inspections (PRI) can help address persistent place-based health disparities by preserving affordable housing stock and ensuring healthy housing.

Poor Housing Quality & Health

As of 2017, more than 35 million, or 40%, of homes in the United States had one or more health or safety hazards. Common housing hazards include pests, water leaks, exposed electrical systems, and lead paint, among other pervasive in-home threats to health and safety.¹³ However, a lack of affordable quality housing and the high cost of housing in many areas across the country¹⁴ mean that many tenants – especially renters with low income – have little choice but to live in housing that is hazardous to their health.¹⁵

These housing hazards pose significant health risks. Every year, people in the United States experience more than 12 million home-related injuries, including poisonings, falls, and burns, many of which are linked to substandard housing quality.¹⁶ Poor housing quality is also directly related to psychological distress and poor mental health.¹⁷ Housing quality is a powerful predictive factor of children’s well-being; children in low-quality housing are often labeled as having more emotional and behavioral problems and poorer academic performance.¹⁸ Poor housing quality can also contribute to increased housing instability, which can be broadly defined as falling behind on rent, moving frequently, or experiencing a period of houselessness and which is associated with poorer physical and mental health, as well as postponement of necessary health care.^{19–21}

Due to the United States’ history of structural racism and discrimination, these risks related to poor housing quality are especially acute for Black, Indigenous, and other people of color (BIPOC) and people in communities with low income. While challenges related to housing quality occur across the country, in most US cities, neighborhoods with a disproportionately high number of poor-quality houses correspond almost exactly with areas that were labeled undesirable and disposable by the Federal Housing Administration’s redlining maps and urban renewal projects of the 1930s–1960s.^{22–24} For example, code violations in Columbus, OH, are more concentrated in historically disinvested areas that were previously redlined. Classifying those neighborhoods as

In 2017, more than 40% of homes in the United States had one or more health or safety hazards.

ⁱ The terms *law* and *policy* are often used interchangeably. Throughout this document, the term *policy* refers to a written statement of a public agency’s or organization’s position, decision, or course of action. The term *law* refers specifically to the codification and institutionalization of a policy by a government in the form of an ordinance, statute, or regulation. Thus, all laws are policies, but not all policies are laws.

“hazardous” allowed lenders to deny loans to people seeking to buy property or fix their homes, resulting in less money flowing into those areas, a decreased tax base, and limited public investment.²⁵

Disproportionate exposure to poor-quality housing contributes to persistent race-based health disparities. A substantial body of research demonstrates that housing quality is a significant determinant of public health. For example, substandard housing quality has been linked to increased prevalence of asthma. Nationwide, approximately 25 million people have asthma, and BIPOC communities have higher rates.²⁶ This disparity is linked to systemic racism and segregation that has driven poor living and housing conditions due to poverty, poor air quality, indoor allergens, and poor access to quality health care.²⁷ Substandard housing, neighborhood conditions, and socioeconomic factors are also major predictors of childhood lead poisoning, which disproportionately affects Black and Latinx children.²⁸ Households with low income are also more likely to live on older properties with higher maintenance needs: as of 2019, 39 percent of renter households lived in housing built before 1970.²⁹ In addition, substandard and overcrowded housing conditions have been linked to increased incidence of and mortality from COVID-19, which disproportionately affects BIPOC communities.³⁰



Photo: gustavo-fring/pexels

Proactive Rental Inspection Programs as a Key to Improving Housing Quality

So what role can PRI programs play in alleviating housing quality issues? Proactively inspecting rental housing to enforce housing codes helps localities keep people in their homes, improve housing quality, and protect tenant health and well-being. Proactive rental inspections also help preserve the existing stock of affordable housing by preventing affordable rental buildings from deteriorating to the point where they can no longer be inhabited or where teardown and replacement of the building makes more economic sense.

To accomplish these goals effectively, PRI programs require strong housing codes, well-trained enforcement officers, and cross-agency collaboration. Agencies charged with conducting rental inspections must also partner with community groups, establish programs to assist residents and property owners, and collect and monitor data from the field. By helping to address housing issues comprehensively, PRI programs can help preserve existing affordable rental housing and protect residents' health.^{31,32}

Purpose of This Guide

This guide provides a framework for designing and implementing proactive rental inspection (PRI) programs in an equity-oriented manner, within the context of a larger healthy housing strategy. The guide covers the following topics:

- Benefits of adopting a PRI program
- Key considerations for the various components of a PRI program, including which properties to include in the program; how to roll out a new program; how to structure inspections; equitable enforcement; and important steps in data management, reporting, and tracking
- Complementary policies that can support the goals of a PRI program and help improve access to safe, healthy, affordable, and stable housing for the most underserved community members
- Practice tips, case studies, and legal considerations gleaned from localitiesⁱⁱ across the country

A Guide to Proactive Rental Inspections is intended for anyone who is involved in designing and implementing policies and programs that affect housing quality and affordability. Audiences for this guide include elected officials and agency leaders who shape policies, as well as local government staff working in housing, community development, and code inspection departments who run or are interested in creating PRI programs. Advocates and community-based organizations that work to preserve housing quality and affordability may also benefit from this resource. Community leaders and advocates are crucial partners who can inform the operations of PRI programs as well as important stakeholders who can improve communication and build relationships between landlords, tenants, and local officials.

Proactively inspecting rental housing helps keep people in their homes, improve housing quality, and protect tenant health and well-being.

This document provides some specific types of guidance:



Practice Tips highlight helpful practices and equity-promoting strategies.



Case Examples show how localities have implemented the strategies in this guide.



Legal Sidebars explain legal considerations.

ⁱⁱ Throughout this document, the term *localities* refers to towns, cities, counties, and other forms of local government. State and local law determine which local governmental body governs relevant code enforcement activities.

Community Engagement for PRI Programs: How to Be a Good Partner

Partnering with community members is a powerful way for local officials and housing advocates who are working to improve housing quality to learn directly from the people who will be most affected by their work. When localities are trying to evaluate and understand existing housing conditions, community members can bring valuable experience and insight about what works, what isn't working, and what needs people have. Community members can also pull in new partners and resources and advocate for supportive policies when institutions cannot. In addition, community engagement efforts themselves can help to build trust and cohesion across communities, which can improve community health and advance health equity.^{33,34}

Many initiatives and partnerships start their housing initiatives with a broad goal of engaging the community. However, not all types of community engagement

are equally effective. In this guide, when we refer to community partnerships, we mean sustained engagements in which community members influence the planning, activities, and outcome goals that drive an initiative. Through our work with different approaches to community partnerships, we at ChangeLab Solutions have found several guiding principles that can improve your program's chances for success:

- Ensure that leaders are committed to partnering with community members
- Make sure that community members who are meant to benefit from a program or project are involved from the start
- Clarify your goals and process for institutionalizing and implementing the partnership's findings
- Prepare to restructure existing power dynamics (including your own)

For more information on partnering with communities, see the following resources from ChangeLab Solutions:

- [The Health & Housing Starter Kit](#): see the Partnering with Communities fact sheet
- [The Planner's Playbook](#)
- [Long-Range Planning for Health, Equity, & Prosperity](#)



PRACTICE TIP

Involve diverse stakeholders in designing the PRI program

PRI programs differ from locality to locality. The most effective programs are tailored to the characteristics of local housing stock and the specific concerns of community members. To benefit from this approach, PRI programs need to be designed in cooperation with diverse stakeholder groups.

In Syracuse, NY, for example, inspectors regularly walked their

territory, held presentations on code enforcement at community meetings in venues like churches and adult education classes, and hosted annual home health and safety education events. During all activities, inspectors actively engaged with tenants (to schedule comprehensive inspections) and landlords (to discuss remediation strategies for potential violations).³⁵

CHAPTER 2:

Making the Case for Proactive Rental Inspections

Developing and implementing a PRI program requires that various stakeholders – such as tenants, landlords, advocates for housing quality and affordability, and policymakers – work together toward shared goals.

These efforts often require proponents to make a case for PRI, which includes, among many things, identifying reasons why diverse stakeholders should support its adoption and implementation. This chapter provides a rationale for PRI programs and includes discussions on what traditional housing code enforcement is, why it often falls short in protecting tenants, why PRI programs may be a good fit to address those gaps, and how communities, tenants, and landlords can benefit from PRI programs.

The Pitfalls of Traditional Housing Code Enforcement

Housing codes are local laws designed to ensure the safety and habitability of homes and promote the health and welfare of communities. Housing codes (sometimes known as *property maintenance codes* or *sanitation codes*) set minimum standards for housing conditions that all rental housing, new or existing, must meet to protect the health of residents. These commonly include heating, plumbing, and hot water requirements; abatement of rodents and insect infestation; kitchen and bathroom standards; and other standards intended to prevent common environmental health and sanitation issues.³⁶

Housing code enforcement is an important tool that localities can use to ensure the safety and welfare of their citizens. Traditional housing code enforcement programs are complaint-based, meaning that a code enforcement officer will conduct a housing inspection in response to a resident's complaint about a substandard housing condition, and if the complaint is substantiated, the officer will begin enforcement proceedings. However, traditional housing code enforcement faces a number of challenges in accomplishing its goals:

- Because traditional housing code enforcement requires residents to make a report to the local code enforcement agency, the agency is less likely to be aware of all violations that exist.
- Tenants with the greatest needs and the least resources may be unaware of how to access the system, may fear retaliation from their landlord, may be less likely to make complaints, and may speak up only after problems have reached an advanced state.
- Complaint-based code enforcement often focuses on conducting inspections and issuing violations to landlords rather than working with them to help bring properties into compliance and ensuring that rental housing stock is generally safe and habitable.
- Complaint-based code enforcement presents inherent equity challenges because landlords facing the same types of violations may respond differently, potentially resulting in disparate and inconsistent treatment of tenants. For example, some landlords may retaliate against tenants who file complaints, while others may raise rents to cover the cost of repairs or may opt to exit the rental market altogether.

Housing code enforcement is an important tool that localities can use to ensure the safety and welfare of their citizens.

- Complaint-based code enforcement can lead to landlords' having to pay for more expensive repairs that could have been averted or minimized if issues had been addressed earlier. Rather than encouraging property owners to invest in preventive maintenance, complaint-based code enforcement generally incentivizes property owners to make the minimum repairs necessary to avoid being fined.

Why Proactive Rental Inspections?

PRI programs do not replace traditional complaint-based inspections. Rather, they supplement complaint-based systems, working to improve overall housing conditions in a locality and allowing more targeted responsive investigations of violations. For example, the City of Boston, MA, still conducts inspections in response to complaints but has found that conducting routine proactive inspections has allowed them to create a more targeted and efficient complaint investigation team – a housing inspector, a fire inspector, and a building inspector – to respond to major violations and ensure compliance.³⁷

PRI programs accomplish the same functions as traditional code enforcement, including conducting inspections, implementing repairs and maintenance, and enforcing fines and regulations. Unlike complaint-based code enforcement, however, PRI programs remove the burden on tenants to initiate requests or complaints, allow more targeted use of city resources, and shift the way that localities conduct inspections and levy fines from an adversarial stance to a cooperative compliance model.

Although details vary, PRI programs standardize how rental properties in a locality are inspected and maintained on a regular basis and typically share a basic program structure:

- **Registration or licensing of rental properties.** The locality requires property owners to register their rental properties or to obtain a certificate or license to rent housing units.
- **Routine inspections of rental properties.** The locality requires routine inspections of all covered rental properties. Inspections occur on a periodic basis, usually every few years, to ensure that housing is adequately maintained. Periodic inspections occur regardless of whether a tenant has filed a complaint.
- **Enforcement actions for code violations.** If a property fails inspection, the locality initiates enforcement or compliance measures.

The next sections of this chapter explore in further detail the equity, health, and financial benefits that localities, tenants, and landlords can realize from switching to a proactive enforcement regime.

Benefits for Communities

PRI is a tool for social justice

Access to safe, stable, affordable housing increases a person's opportunity to live a healthy and prosperous life. PRI programs help address housing-related health inequities experienced by populations underserved by governments and institutions. For example, these programs can ensure that jurisdictions direct their resources in a more equitable manner that prioritizes code enforcement and housing quality improvement activities in

PRI programs remove the burden on tenants to initiate requests or complaints, allow more targeted use of city resources, and shift the way that localities conduct inspections and levy fines from an adversarial stance to a cooperative compliance model.

areas with greater housing instability and need. Additionally, PRI programs can leverage code enforcement officers' direct interactions with residents, often as residents' first or primary point of contact with government. Such interactions can help support other complementary public health initiatives that help families get ahead, such as enrollment in food programs, schools, or social services.

PRI is a primary preventive approach

PRI programs bring a primary prevention approach to code enforcement by monitoring and identifying potential housing quality issues before the housing stock begins to deteriorate. This approach protects residents from exposure to substandard housing risks such as lead, pests, and other hazards that can lead to respiratory illnesses, injuries, and other health problems. Protecting tenants from these risks at home creates a healthy and stable foundation that enables them and their families to succeed in school, work, and other areas of life. In addition, PRI can help reduce societal inequities by ensuring that tenants with the greatest needs and the least resources are not disproportionately disadvantaged by poor housing quality and that the benefits of safe, healthy, and affordable housing are more equitably distributed among population groups. From the perspective of local government, PRI facilitates regular, ongoing dialogue between city officials, code enforcement officers, and landlords, leading to greater cooperation and compliance with code enforcement measures.

PRI programs can help preserve property values

Concentrations of deteriorating housing stock can cause property values in a neighborhood to drop and can cause neighborhoods to become increasingly unstable for residents and property owners alike. PRI programs can help preserve community stability and property values by proactively maintaining rental properties and preventing them from becoming unsafe or undesirable to live in. Maintaining neighborhood property values also benefits the entire locality because it preserves the local tax base for providing other public services.

PRI improves operations for local governments

PRI programs provide localities with valuable information obtained through rental registration, which helps localities understand what rental properties exist, who owns them, and the condition of existing housing stock. When equipped with this information, localities are better able to identify and meet community needs through tailored, targeted housing policy solutions.

PRI programs also help localities establish more robust lines of communication with landlords, shifting from an adversarial relationship to one based on cooperative compliance. In developing these databases and relationships, localities are better able to communicate with landlords and tenants both about programs and about emergency situations. This infrastructure of data and relationships can be particularly helpful during emergencies when local government needs to communicate with many residents quickly or provide information and resources – for example, during extreme weather events and throughout the COVID-19 crisis.

Through the PRI program in Seattle, WA, housing officials created a database of existing rental properties that includes email addresses of property owners and managers. Housing officials use this information to send quarterly updates on changes to city or state laws and policies and, more recently, to communicate relevant information about COVID-19.³⁸

Protecting tenants from substandard housing risks creates a healthy and stable foundation that enables them and their families to succeed in school, work, and other areas of life.

Benefits for Tenants

PRI programs help protect the most underserved tenants

Often, tenants who are underserved by governments and systems don't complain about their housing conditions.³⁹⁻⁴⁶ Underserved tenants may not be aware that they have a right to safe and habitable housing. They may not know about existing tenant protections or code enforcement programs. Or they may have language barriers or disabilities that make it difficult to navigate the code enforcement system. Many tenants might be afraid to complain about their housing for fear of increased rent, landlord retaliation (including eviction), or having to disclose their immigration status. Populations who experience overt and systemic forms of discrimination – for example, people of color,⁴⁷ immigrants,⁴⁸ people with a criminal record,⁴⁹ LGBTQ+ people,⁵⁰ and people with a negative credit rating⁵¹ or previous rental evictions⁵² – may face discrimination when trying to find new housing.

As a result of these barriers, the housing inhabited by underserved communities is typically the most likely to fall through the cracks of a complaint-based code enforcement system. In 2019, Gary Fischer, general counsel to nonprofits providing housing and family services in Omaha, NE, testified before the Nebraska legislature:

We support [proactive rental inspection] because it provides a solution to the systemic failure of the city to enforce minimum housing codes that affect health and safety.... The system places a responsibility on tenants to make complaints. This is intuitively not right. Clearly it places the burden of making complaints on the people that are the least capable of protecting themselves from retaliation, if that occurs.... This problem ... occurs in the poorest parts of our city and where the oldest housing stock is.... That housing is occupied by [a] disproportionately high share of people that are poor, elderly, ethnic, and racial minorities. And they are unfairly and in an unbalanced way shouldering the burden of this lack of enforcement.⁵³

PRI provides direct health benefits

PRI programs can directly improve the health of tenants by reducing exposure to environmental hazards, such as mold and lead, that can trigger asthma or lead poisoning and also by reducing the risk of unintentional injuries caused by dangerous living conditions.^{54,55} Additionally, having stable and safe housing can reduce stress and improve mental health.^{56,57}



CASE EXAMPLE

Lead Poisoning Prevention Ordinance in Rochester, NY

One city that has seen direct health benefits for residents as a result of implementing a PRI program is Rochester, NY. In 2005, the City of Rochester adopted its Lead-Based Paint Poisoning Prevention Ordinance, which added proactive inspections for lead paint hazards to their existing housing inspection process.

As of 2020, a total of 193,584 rental units had been inspected for deteriorated interior paint; about 5 percent (10,149) of the inspected units received a violation for deteriorated interior paint, and 85 percent of the units with violations were brought into compliance. Additionally, 50,901 units that are located in designated "high-risk areas" in the city have been referred for dust wipe testing, and 90 percent of those units have passed the test.^{58,59}

This program has contributed to tangible results. In Monroe County, where Rochester is located, the elevated blood lead level in children screened decreased from 3.9 percent in 2006 to 1.4 percent in 2019,⁶⁰ 2.4 times greater than the state of New York's overall decrease during this period.⁶¹

How Does Preemption Affect PRI Programs?

Before starting work on your new PRI program, it is important to review state law to determine whether the authority to start a PRI program resides with your locality or with the state.

Code enforcement is an exercise of a government’s police power. Police power is the inherent authority of government to act to protect the health, safety, and welfare of its citizens. The extent of the police power that a locality may exercise depends on its state’s constitutional or statutory law.

In a few states, the law may establish that housing code enforcement is administered by the state. In most states, however, code enforcement occurs at the city or county level. In some states, state law expressly authorizes localities to establish a code enforcement program.⁶² In other states, the state constitution or state law may give localities broad home rule power: the authority to enact laws (for example, to implement a PRI program) without a specific delegation of power from the legislature.

State legislatures can also preempt the authority of localities to enact PRI programs by passing state laws that override or limit a locality’s authority to establish rental inspection, registration, or licensing programs (or any combination thereof). Preemption is the legal doctrine in which a higher level of government may limit or even eliminate the power of a lower level of government to regulate a specific issue. A cautionary tale comes from Greensboro, NC, which had a successful PRI program in place until the state legislature preempted the city’s authority to operate that program. The program had to be reworked to comply with the changed law.⁶³

There is currently no comprehensive scan of the states that preempt PRI programs, but some states that do are identified in Table 1.

TABLE 1: Examples of States That Preempt PRI Programs

STATE	PREEMPTION OF LOCAL RENTAL INSPECTIONS?	PREEMPTION OF LOCAL RENTAL REGISTRATION OR LICENSING?
AZ ⁶⁴⁻⁶⁶	Partially restricted	Yes
GA ⁶⁷	Yes	Yes
NC ^{68,69}	Yes	Yes
OK ⁷⁰	No	Yes
TN ⁷¹	Yes	No
WI ^{72,73}	Partially restricted	Partially restricted

In contrast to the states identified in Table 1, Iowa Code 364.17 requires all cities with a population of over 15,000 to adopt a housing code along with enforcement procedures, including programs for regular rental inspections.⁷⁴



CASE EXAMPLE

Gold Star Landlord Program in Tulsa, OK

As part of its Affordable Housing Strategy, the City of Tulsa, OK, devised the **Gold Star Landlord Program**, with incentives and rewards for landlords and property managers who engage in the best rental practices, to support the city in becoming an “economically thriving, inclusive community with quality housing opportunities for all its residents.” Given the state’s preemptive limitations on establishing a mandatory PRI program, Tulsa’s Gold Star program was designed as a free and voluntary program offering incentives and rewards for participation, such as prioritized processing of applications for the city’s COVID-19 emergency rental and utility assistance program, landlord incentives funded by the city’s Affordable Housing Trust Fund, and referrals to tenants who have completed a housing stability certificate program that teaches tenants skills to help them maintain housing stability. To receive these incentives and rewards, landlords must participate in several free programs, including the Tulsa Health Department’s Safe and Healthy Homes Program, which is a free resource to make sure rental units are safe. To join the Gold Star program, landlords must also list all available rental units on Tulsa’s Affordable Housing Waitlist website.

Benefits for Landlords

PRI improves relationships between landlords & local government

Localities have shared that PRI programs have helped them strengthen their relationships with landlords in the community. A strong relationship and regular communication between landlords and localities can make it easier to share educational materials and connect landlords with resources that they may need to successfully comply with healthy housing standards. This type of relationship building may be particularly effective in smaller cities.

Officials in Brooklyn Center, MN, cite multiple benefits of having inspectors become familiar with the properties and landlords, and vice versa. As landlords and inspectors learn what to expect from each other, inspections run more smoothly, and more landlords bring their buildings into compliance.⁷⁵

PRI can support small landlords

For small, mom-and-pop landlords, it is especially important to ensure that the PRI program doesn't place an additional burden on their business. Small landlords provide a significant proportion of the housing stock for low-income renters in many cities and are an important source of affordable housing.^{76,77} By identifying housing in need of repair before its condition deteriorates to the point of uninhabitability and by providing resources to small landlords who might not be able to afford repairs, PRI programs can help to keep affordable housing stock on the market. Localities ultimately benefit when they consider the needs of all landlords, including small landlords, in designing their PRI programs.

Chapter Summary

Housing code enforcement plays an important role in ensuring that all inhabitants are able to access safe and healthy housing. Traditional code enforcement requires tenants to register complaints in order to get poor housing conditions corrected. Due to barriers that might prevent tenants from making complaints, traditional code enforcement may fail to identify many instances of unhealthy or unfit housing. In comparison, PRI is a complementary strategy that addresses the shortcomings of traditional code enforcement and provides numerous benefits to tenants, landlords, localities, and the community at large.

CHAPTER 3: Which Properties Should Be Included in PRI Programs

When deciding what properties should be regulated and inspected by a PRI program, localities have many considerations to navigate in partnership with their community members.

A primary consideration for stakeholders is what legal mechanism to use in regulating rental properties. The first section of this chapter discusses the two main mechanisms for identifying and regulating rental properties in a locality – rental licensing programs and rental registries – as well as policy design considerations and the advantages and disadvantages of each option.

Beyond choosing what regulatory mechanism to use for including properties in a PRI program, localities must also determine what properties should be regulated and inspected pursuant to their program. The second section of this chapter covers policy design considerations related to what properties will be part of the PRI program, including whether to include or exclude properties based on location, housing condition, age, and size.

STEP 1: Identify Rental Properties & Gather Data About Them

The first step in building a PRI program is to gather data about existing rental units in your locality. Without accurate data about existing rental housing stock, it will be difficult to carry out a code enforcement program efficiently and effectively. Additionally, gathering rental housing data will give planners, housing officials, and city leadership a better understanding of general trends and changes in housing conditions. This information can be crucial when planning for population growth or reduction. Rental housing data can also help code enforcement officials focus resources on neighborhoods with a high number of rental units or a history of hazardous housing conditions.

PRI programs should, at a minimum, gather the following information about rental housing units in their locality:

- Location of the unit or building
- Contact information for the owner of the unit or building
- Age of the unit or building
- Recent housing code violations for the unit or building and the date(s) they occurred
- Status and dates of remediation efforts

Localities must determine what properties should be regulated and inspected pursuant to their program.



PRACTICE TIP

Gather complete information about the property and property owners and managers

One challenge that localities encounter when enforcing healthy housing regulations is confirming ownership for problematic properties registered to business entities such as corporations, partnerships, and limited liability companies (LLCs). In those instances, it can be difficult for localities to ascertain who owns the housing and who should be contacted for investigation or enforcement actions. In some cases, landlords may own several low-quality buildings in poor condition under different business entities, making it difficult to conduct housing enforcement and allowing those landlords to escape repeat offender penalties. Localities may also have difficulty in contacting non-resident landlords. To address

this challenge, jurisdictions should create rental registries or rental licensing programs that require owners to provide a named point of contact for emergencies and other government business.

The City of Syracuse, NY, solves this issue by requiring business entities to provide the name, position, physical address, and phone number of every officer, shareholder, partner, and member of property ownership groups, as well as a name, address, and phone number for property managers.⁷⁸

Localities may be able to track down unenrolled landlords through deed records, property tax records, utility bills, or entity registration for business owners.

Not all jurisdictions have a pre-existing rental housing database to inform and guide their code enforcement initiatives. As such, localities must develop a strategy for identifying rental units and tracking that information in a database.

Two common strategies that localities use to both gather data about rental housing and begin regulating rental housing are the adoption of rental licensing programs and the development of rental registries. While the terms *licensing* and *registration* can be used interchangeably, in practice and for the purposes of this guide, rental licensing programs are typically more formal programs that include more robust compliance requirements and enforcement mechanisms than rental registries.

STEP 2: Decide Between Rental Licensing & Rental Registration

Rental Licensing Programs

Rental licensing programs are typically locality-run programs that require landlords to obtain and maintain a rental license for each property at which they intend to rent housing units. Requirements for rental licenses can include licensing fees, inspection and approval of the property, and landlord educational programming before a landlord can rent the property. Rental licensing programs are typically tied to existing administrative processes that give code enforcement officials the option to revoke the license in cases of noncompliance with housing code, and licensing fees can be adjusted for property owners with a history of housing code violations. While rental licensing programs generally require more administrative resources than rental registries, when tied to inspection requirements, they provide additional opportunities and enforcement mechanisms for ensuring the habitability of rental units prior to and during tenant occupancy.



PRACTICE TIP

Consider the equity implications of licensing

Localities that pursue a licensing approach should consider the equity implications of which licenses they grant and revoke. For example, small landlords who own just a few rental units will be disproportionately affected if their units are taken off the market due to code violations; larger, wealthier landlords are more likely to be able to weather fluctuations in rental income. For information on how to implement an equitable enforcement approach to penalties such as license revocation, see Chapter 6 of this guide.

Rental Registries

Rental registries are typically locality-run programs that either ask landlords to voluntarily register their rental properties with the city or require landlords to pay a small fee to register their properties with the city. Rental registration frequently is not tied to pre-inspection or landlord education requirements and generally assesses financial penalties only for noncompliance (i.e., failure to register the property). Registries do not offer localities any additional enforcement options against landlords who violate the housing code. Localities may opt to use rental registries to avoid the administrative costs of operating a licensing program; to take a more relaxed, less stringent approach to dealing with landlords; or when state law preempts them from enacting licensing. While registration requirements are common in PRI programs, they can also be implemented independently or in conjunction with other city administrative functions such as business licensing.

Table 2 summarizes some pros and cons of rental licensing programs and rental registries.

TABLE 2: Summary of Rental Licensing Programs Versus Rental Registries

	BENEFITS	DRAWBACKS
Rental licenses	<ul style="list-style-type: none"> Typically, more effective at ensuring habitability and safety of rental units Requirements can include inspections and approvals of property prior to occupancy Requirements can include landlord education Provides more enforcement options for localities 	<ul style="list-style-type: none"> Generally, requires more administrative resources to operate
Rental registries	<ul style="list-style-type: none"> Lower administrative costs of operation Offers a “lighter touch” with landlords Can be an option in states that preempt localities from other regulatory schemes Can be implemented independently or with other administrative functions 	<ul style="list-style-type: none"> Does not offer localities additional enforcement measures against noncompliant landlords



CASE EXAMPLE

Licensing and Registration Programs

Ann Arbor, MI, has a successful rental licensing program that prohibits occupancy of a dwelling unless it has a valid certificate of compliance. After a rental property has been inspected and is determined to be in conformance with code, the property owner may then apply for a certificate of compliance.⁷⁹ Ann Arbor also has provisions for issuing a temporary certificate of compliance if, due to inspection scheduling difficulties, an inspection cannot be conducted prior to expiration of a current certificate.⁸⁰ Additional communities that use a licensing approach include Boulder, CO;⁸¹ Washington, DC;⁸² and Baltimore County, MD.⁸³

Eau Claire, WI, uses a limited rental registration program⁸⁴ in which registration cannot be revoked for failed inspections, due to state preemption.⁷⁶ Lewiston, ME, also operates a rental registration program that is not yet tied to proactive rental inspections.⁸⁵

STEP 3: Design Your Rental Licensing or Rental Registration Program

Regardless of whether your locality chooses to pursue rental licensing or rental registration, it will need to make policy choices about the license or registration fee structure and the frequency of renewal for a license or registration.

Licensing & Registration Fees

Localities commonly charge fees to cover the costs of implementing and administering a rental registry or rental licensing program. These fees are often based on the size of the rental property. For example, fees may be based on the number of rental units or square footage, or they may be levied at different rates for small, medium, or large buildings. Registration and licensing program fees generally range from \$25 to \$75 per unit, although there is substantial variation; many cities charge lower per-unit flat rates for buildings with many units or discount fees for units beyond a certain number.⁸⁶⁻⁹³

Fees may be charged on a one-time or recurring basis, depending on the nature of the fee and the length of the program cycle. College Station, TX, for instance, charges a one-time initial registration fee when a property enters the program,⁹⁴ while Santa Cruz, CA, charges an annual registration fee and requires that landlords annually re-register all rental units.⁹⁰ Additionally, fees can be designed to promote compliance through performance-based incentives for landlords who follow the rules. In the PRI program in Brooklyn Center, MN, for example, property owners must pay additional fees if units must be re-inspected due to noncompliance.⁹⁵ If property owners exhibit improved adherence to code, then future licensing fees are cheaper and licenses are granted for longer periods of time.⁹⁶

Other jurisdictions incentivize landlord compliance either by waiving fees when they are first getting their code enforcement program up and running or by linking registration with eligibility for other supportive programs, such as capital improvement and weatherization funds. In localities that choose not to charge a registration fee, failure to register may result in significant enforcement fees.^{99,97} Lewiston, ME, for example, decided not to charge any registration fees as it began setting up its rental registry in 2019, in order to encourage as many landlords as possible to register their properties.⁹⁸

Frequency of Renewal

Localities also vary in how frequently they require license or registration renewal. Some localities require renewals every few months, while others require it annually or every few years. For example, Kansas City, MO, requires annual registration,¹⁰⁰ while Boulder, CO, generally requires license renewal every four years.¹⁰¹

Licensing and registration requirements can also be tailored so that renewals are triggered when there is a change in property ownership or property management,¹⁰² given that a third-party property manager for an absentee owner could have a great impact on the property's policies and practices. For example, one recent study found that properties run by professional management companies had a code violation rate roughly one and a half times greater than properties with absentee landlords who managed their own properties and that this difference was largely confined to neighborhoods with a majority of Black residents.¹⁰³



PRACTICE TIP

Create a registry for vacant properties

While vacant properties are not directly related to rental inspections, some localities, such as Grand Rapids, MI, have established vacant and abandoned property registries as part of their broader and more comprehensive property management strategy. These localities require owners to register all rental properties – even vacant and abandoned properties.⁹⁹ Requiring the registration of vacant and abandoned property can help localities identify high-risk properties for inspection and prevent deterioration of properties in neighborhoods with high foreclosure or vacancy rates. For more on how vacant property management can help address community needs, see [Tackling Vacancy and Abandonment](#) by the Center for Community Progress.

STEP 4: Determine What Housing Will Be Inspected as Part of Your PRI Program

While a strong case can be made that all rental housing in a locality should be registered or licensed, localities often encounter additional considerations when deciding what rental properties should be subject to inspection. The types of housing included are usually determined by the most pressing needs in the community and by the availability of resources for inspection and enforcement.

PRI programs might initially focus on particular neighborhoods, in accordance with community needs and housing policy priorities. For example, if a locality exhibits a stark division between neighborhoods with multifamily rental units and neighborhoods with single-family homes, then it might be more efficient exclude predominantly single-family neighborhoods from PRI requirements. On the other hand, some jurisdictions, such as Grand Rapids, MI, have pushed to include single-family rentals in their inspection programs because they are a large percentage of rental units in that jurisdiction.¹⁰⁴

Focusing on Neighborhoods or Districts

Some localities, especially when first initiating a PRI program, choose to concentrate their efforts in particular neighborhoods or areas. This approach enables a locality to focus limited resources where they are most needed. Localities frequently focus on specific neighborhoods, based on the history of housing complaints and violations, the age of the housing stock, or the prevalence of rental units in the neighborhood.

Sacramento, CA, for example, piloted a PRI program by focusing on two neighborhoods, each of which contained a large number of rental properties with a high incidence of dangerous building cases, code enforcement cases, and police and fire calls for service.¹⁰⁵ The program was successful, and in 2008, Sacramento expanded the program citywide.¹⁰⁶ Similarly, Kansas City, MO, expanded its program incrementally, implementing the program initially in areas where 30 percent or more of the housing units were rentals, where the housing inventory was basically sound but exhibited substantial deterioration, or where neighborhood residents had expressed interest in a systematic housing inspection program.¹⁰⁷

Some jurisdictions have pushed to include single-family rentals in their inspection programs because they are a large percentage of rental units in that jurisdiction.



PRACTICE TIP

Design your program with equity implications in mind

When choosing neighborhoods to focus on, localities should make sure that they base their criteria on housing quality concerns or on the need for inspection, as the cities of Sacramento, CA, and Kansas City, MO have. Localities should be aware that classifications or actions based on the race, ethnicity, religion, sex, familial status, national origin, or disability status of residents may result in discrimination claims.¹⁰⁸⁻¹¹¹

Localities that choose to focus inspection resources in specific neighborhoods should also be careful to consider the equity implications of doing so. Launching inspection programs in predominantly BIPOC or low-income communities may result in inequitable outcomes if the programs are not implemented in an equity-informed manner. For more on the harms of inequitable enforcement and how to address concerns that underserved communities may raise, see Chapter 6.

Focusing on Properties Based on the Number of Units

As an alternative to focusing housing inspection and enforcement efforts in specific neighborhoods, localities sometimes limit the scope of their PRI program to properties with a specified minimum number of units. This approach focuses a program's limited resources on rental units that can be easily inspected and are likely to pose a health risk to renters. Table 3 illustrates examples of localities using unit thresholds for inspection.

TABLE 3: Examples of Cities Using Unit Thresholds for Program Inclusion

LOCALITY	RENTAL PROPERTIES COVERED BY PRI, BY NUMBER OF UNITS ON THE PROPERTY
Boston, MA	1 or more units
Grand Rapids, MI	1 or more units
Los Angeles, CA	2 or more units
Rochester, NY	1 or more units
San Francisco, CA	3 or more units (and hotels with 6 or more units)
Seattle, WA	1 or more units
Syracuse, NY	1 or more units

Multi-unit properties. Most programs cover multi-unit rental properties, but some programs restrict that coverage to properties with a certain number of units. Los Angeles's Systematic Code Enforcement Program applies to residential properties with two or more units, if at least one of those units is rented or offered for rent.¹¹² San Francisco conducts periodic inspections of the exterior and common areas of residential buildings with three or more dwelling units and hotels consisting of six or more guest rooms.¹¹³ However, even though San Francisco only inspects dwellings with three or more units, they still charge fees and may require licensing or registration for one- and two-unit rental buildings to help offset code enforcement, training, and outreach costs. In contrast, Seattle's registration and inspection provisions apply to rental housing properties irrespective of size or number of units.¹¹⁴

Single-family homes. Some PRI programs cover single-family homes as well. Grand Rapids expanded its registration and inspection program for multi-family properties to include single-family rental housing as well as abandoned and vacant residential properties.¹¹⁵ Responding to a significant increase in the number of families living in single-family rental units between 2006 and 2009, the city added single-family rental units in order to (1) ensure that substandard housing did not disproportionately affect families with children; (2) increase market equity for all investment property owners by promoting consistent code compliance across all types of rental housing; and (3) ensure a standard of quality and affordability for all rental units, particularly in urban neighborhoods.¹¹⁶ Many localities – for example, Seattle, Boston, Syracuse, and Rochester¹¹⁷⁻¹²⁰ – include single-family homes in their PRI program.

Rental Housing Types Commonly Exempted from PRI Programs

Localities have adopted a variety of ways to focus their rental inspection resources by exempting specific types of housing from their programs. The most commonly exempted types of housing include the following:

Owner-occupied units. Several localities exempt buildings if the property owner lives in one of the units.¹¹² Boston, for example, exempts buildings of six or fewer units if the owner occupies one of the units.¹¹⁸ The rationale for this exemption is that buildings where the landlord resides are likely to be adequately maintained.¹⁰³

Government-regulated or subsidized units. Many localities, including Boston and Seattle, exempt buildings that are owned or managed by federal, state, or local governments, as well as Section 8 and other subsidized housing, because these housing categories are subject to other inspection requirements and because of the difficulty in integrating the inspection requirements.^{118,121} Should the frequency of these other mandated inspections be reduced,¹²² it may be advisable to extend municipal rental inspection programs to cover these properties.

New construction. Some localities exempt newly built housing because it is presumed to be in good condition. In Seattle, for example, housing built or “substantially altered” within the preceding five years is exempt from the inspection program.¹²³

Hotels and motels. Non-residential hotels, motels, and other transient housing are also commonly exempted from rental housing inspection ordinances.^{112,124,125} However, given that underserved tenants may live in these types of properties on a long-term basis, it may be important to include them in municipal periodic rental inspection programs if no other standards are applied to ensure that they remain in habitable condition.

Other exemptions. Other exemptions may include accessory dwelling units; mobile homes and mobile home parks; rentals to family members; short-term rentals; cooperative housing or housing owned by a nonprofit corporation; health care–related housing (such as hospitals, hospices, community care facilities, intermediate care facilities, or nursing homes); religious housing (such as convents or monasteries); emergency shelters; and education-related housing (such as fraternity or sorority houses, on-campus housing, or boarding schools).^{112,121}



CASE EXAMPLE

Rental Registration Program in Kansas City, MO

Kansas City, MO, requires annual registration of rental dwellings.¹⁰⁰ The Rental Registry Program was started in 2008 and was paired with a pilot inspection program in limited neighborhoods. The program was amended to expand inspections citywide in 2018. The program has a mandatory registration requirement with a \$20 initial registration fee and an annual permit fee of \$20 per unit, renewed annually. The program covers all rental properties, including vacant structures. The program is now administered by the Healthy Homes Rental Inspection Program.

Chapter Summary

To begin designing a PRI program, a locality must decide how to identify rental properties within its jurisdiction. Two common mechanisms are rental licensing programs and rental registries. Licensing programs enable more robust enforcement but are more likely to be constrained by preemption or political opposition. Next, a locality must determine which properties will be inspected under a PRI program and which will be exempt. The next chapter will cover how the program, once designed, should be introduced and implemented.

CHAPTER 4: PRI Program Rollout

PRI programs require resources and time to implement and administer. Before beginning inspections, localities should plan how the program will be introduced and ensure that necessary program infrastructure has been put in place.

This chapter covers some steps in launching a PRI program: (1) identifying and involving key stakeholders; (2) determining the logistical needs of the program and creating a hiring and training plan; (3) determining how to fund the program; and (4) deciding on a rollout schedule. Having a schedule for each implementation step promotes transparency and accountability.

STEP 1: Identify, Inform & Involve Key Stakeholders

The first step in implementing an effective and equitable PRI program is to identify and notify stakeholders who will be affected by the program and then involve them in designing the program's rollout. Accomplishing the goals of PRI programs requires that localities build clear, consistent relationships with tenants and landlords and that all parties understand the scope of the program and their obligations under the program.

Because PRI programs rely on tenants to consent to the inspection and make themselves available for inspections, as well as on landlords to register their properties and repair any housing violations found, it is important that these programs have the full cooperation of both tenants and landlords. Tenants must believe that PRI programs are beneficial enough to make themselves available for scheduled inspections. Additionally, some communities, especially communities with low income and communities of color, may hesitate to embrace PRI programs due to suspicion or mistrust of government enforcement officials. Lack of tenant participation may result in failed inspections and, ultimately, a less effective program. Landlord cooperation and participation is also central to successful implementation of a PRI program. Landlords must register their properties and respond to any code violations, but they may not always be aware of all the benefits of doing so or may lack the necessary resources to repair code violations.

To help educate both tenants and landlords about rental housing inspections, allay concerns, and ensure effective implementation of inspections, several localities have created programs to inform constituents about the rental inspection program and their obligations. Some localities have carried out far-reaching publicity campaigns through media like billboards, posters on bus shelters, and notices on property and water bills. In a similar vein, some localities provide written materials and checklists on applicable housing code provisions for tenants and landlords. Here are some other examples of how cities have educated residents about PRI programs:

- The City of Los Angeles, CA, conducts a range of workshops and monthly drop-in sessions to address questions about their PRI program.¹²⁶
- The City of Sacramento, CA, requires that landlords distribute city-approved forms detailing tenants' rights and responsibilities before any tenancy begins.¹²⁷

Accomplishing the goals of PRI programs requires that localities build clear, consistent relationships with tenants and landlords.

- During their PRI program launch, the Inspectional Services Department in Boston, MA, with the support of the mayor's office, held regular landlord seminars to discuss the rental registration program and inspection process.³⁷ These initial workshops have evolved into a series of ongoing classes that the city runs for home buyers, homeowners, and tenants.¹²⁸⁻¹³⁰
- Kansas City, MO worked with a local community college to develop an online training program for landlords.¹³¹

STEP 2: Develop Hiring, Staffing, Training & Operations Plans

The second step in program rollout is to develop hiring, staffing, training, and logistics plans. Staffing levels will differ by locality, depending on a number of factors, including the physical size of the jurisdiction, the number of rental buildings that must be inspected, the scope of the inspections being conducted, and the sophistication of the technology or processes used. Staffing needs include administrative staff as well as inspectors.

Logistical Needs

Logistics for PRI programs include collecting and maintaining rental property information, scheduling and re-scheduling inspections, sending notices, assigning inspectors, and coordinating and tracking enforcement efforts. The division of responsibility for addressing these needs differs from locality to locality.

Depending on the technology used, staff may be responsible for maintaining the program's property management database and tracking when inspections have been performed, what violations were found, and the date for the next inspection or re-inspection. Staff must also provide notice prior to inspection. Typically, PRI staff members mail notices (to the property that needs inspection or to the property owner, or both) ahead of when inspections are due.

When scheduling inspections and assigning inspectors, localities should work to optimize their limited resources, considering local geography. PRI programs in large or busy jurisdictions can be bottlenecked by poor scheduling. One of the benefits of prioritizing the rollout of inspections based on neighborhoods with the greatest need is that this tactic makes it easier to develop a plan for where and when inspectors will conduct their inspections. However, localities should be aware that scheduling and logistical challenges may increase over time for a number of reasons, including the need to schedule re-inspections after violations have been found and the natural variation in timelines that will occur due to different inspection triggers, such as newly registered units or transfers in tenancy or ownership.



PRACTICE TIP

Involve community-based organizations in launching your PRI program

As part of a larger goal of partnering with the community, many localities have involved community members and nonprofit organizations in implementing their PRI programs. In Cleveland, the city partnered with local institutions and community-based organizations to create the Lead Safe Cleveland Coalition, a public-private partnership consisting of more than 120 organizations. The coalition provides landlords with loans, grants, and incentives to make properties lead safe through the Lead Safe Home Fund; trains residents and others to inspect for and remediate lead in homes; and educates and engages families, homeowners, and landlords through the Lead Safe Resource Center.^{132,133}

Staffing Options for Inspections Officers

When deciding who will conduct inspections, it is important to consider where code inspection will fit within your governmental structure. There is no standard organizational structure for PRI programs, and inspections can be located in their own municipal division or in various departments in local government. For example, code enforcement officers may be employees of public health, neighborhood development, housing, and even public safety departments. PRI programs may deploy municipal inspection employees, employ contractors, or allow licensed third-party inspectors. Overall, it is important to integrate PRI work across agencies so that inspections support and tap into the work that other municipal agencies are pursuing.

Municipal inspectors

Some localities, such as Los Angeles, CA, and San Francisco, CA, use only code enforcement officers or inspectors employed by the local jurisdiction.^{134,135} This approach allows localities to control how inspections are conducted, but it is generally a more resource-intensive option and can present challenges in working with tenants who are fearful about government interactions. Inspectors must be trained in environmental health and nuisance laws as well as building and construction laws so that they have the skills to ensure that inspections address health as well as building safety concerns.

Licensed third-party inspectors

Alternatively, some localities, including Boulder, CO, and Baltimore, MD, require property owners to contract with a city-licensed third-party home inspector.^{136,137} Using third-party inspectors may be a more cost-efficient alternative, relieving localities of the tasks of hiring and training inspectors and coordinating inspections. This approach frees the locality to focus on traditional complaint-based inspections and enforcement against noncomplying property owners. Localities that use this approach have, however, encountered logistical challenges related to data sharing between local government agencies and third parties as well as coordinating re-inspections by third-party inspectors and working with third-party inspectors on enforcement efforts that are still the responsibility of local government.

Both municipal inspectors & third-party inspectors

Still other localities, like Seattle, WA, and Boston, MA, employ their own inspectors while also allowing landlords to contract with third-party inspectors.^{138,139} These differing practices may stem from state law, historical practice, or a political or economic decision by a locality not to hire additional municipal employees. In Washington, the state supreme court examined the rental inspection program of the City of Pasco, under which (1) landlords could choose from a range of public or private inspectors and (2) landlords did not need to furnish the city with details of the inspection report but were required to provide only a certification of compliance based on the inspection.¹⁴⁰ The court found that this program did not constitute “state action” or violate state or constitutional protections against unreasonable search.¹⁴⁰ This ruling has affected how other Washington cities have designed their rental inspection programs.

Inspections can be located in their own municipal division or in various departments in local government.



PRACTICE TIP

Hire inspectors to inspect their own neighborhoods

In creating hiring and staffing plans for their PRI programs, localities might want to consider the benefits of hiring inspectors from the neighborhoods in which housing is being inspected. Hiring inspectors from specific neighborhoods not only can help inspectors bridge some of the barriers to accessing community members and educating them about the sources and harms of substandard housing but also has the added benefit of directly investing in members of the community. For instance, the City of Rochester, NY, focused on hiring inspectors from the neighborhoods they were charged with inspecting and provided them with two years of training. This strategy helped build community trust, helped inspectors gain access to homes, and helped

inspectors better identify housing code violations and more consistently follow up on enforcement actions because the inspectors were invested in the neighborhoods they were inspecting.¹⁴¹

The benefits of hiring locally apply to nonprofit and privately run PRI programs as well. [Environmental Health Watch](#) – a nonprofit organization based in Cleveland, OH, that advocates for and educates on healthy housing and conducts healthy home inspections – invested in its own workforce development program that trains local residents to become lead clearance technicians and lead safe renovators. This approach helped increase economic opportunity while also enabling residents to improve the safety of their own community.¹⁴²



Photo: SDI Productions/iStockphoto

Self-certification

A number of localities allow property owners to graduate into self-certification programs if they have established a record of passing inspections with no violations. Self-certification programs allow localities to allocate their limited resources to properties most in need of inspections. Such programs can also incentivize property owners to ensure that their property complies with all applicable codes. Sacramento, CA, allows owners to self-certify that their property meets inspection requirements if they have passed previous inspections and are otherwise compliant with the municipal code.¹⁴³ Owners must certify each unit they own at least once every calendar year and after each change in tenancy. The city reserves the right to random inspections once per year and can de-certify owners who violate the code.¹⁴⁴

Partnerships with community organizations

Regardless of who does the inspections, PRI programs can partner with community organizations to conduct inspections, help build relationships with tenants, alleviate tenant concerns or fears, and navigate cultural barriers. For example, the Department of Building Inspection in San Francisco, CA, has implemented the Code Enforcement Outreach Program, which partners with community-based organizations to conduct outreach and address potential code violations before they require a hearing and a referral to the city attorney's office.¹⁴⁵

STEP 3: Determine How to Fund Your PRI Program

Fees & Fines

Most proactive rental inspection programs are funded, solely or in part, by fees levied against property owners. Fees are payments for city-specific functions and are primarily intended to cover operational costs. Fees are frequently collected when issuing licenses or registrations for rental properties. In addition to registration, licensing, or program fees, some localities assess inspection fees annually (or for each period of a program's cycle) for units subject to mandatory inspection; other localities assess inspection fees only when an inspection occurs. Most localities also charge a re-inspection fee to cover the cost of additional inspections after violations are uncovered during an initial inspection. As an incentive for owners to remedy code violations, some localities will only charge a re-inspection fee on the second or subsequent reinspection if violations have not been corrected within a specified time period after the initial inspection.

When inspections uncover housing code violations or other program violations, localities commonly generate additional revenue for their programs by imposing fines and penalties to nudge property owners toward compliance. Fines are monetary penalties for code violations and are primarily intended to incentivize compliance. For information on how to equitably implement PRI fines and fees, see Chapter 6.



PRACTICE TIP

Hire diverse staff and provide training for code enforcement staff

Inspectors must be able to interact effectively with residents from many different backgrounds. As discussed earlier, PRI administrators and stakeholders should consider hiring inspectors from the neighborhoods that they will serve, an approach that is likely to improve trust with residents. Additionally, localities should provide training to code enforcement officers to prepare them to carry out their duties in an effective, impartial, and culturally sensitive manner that accounts for language and other communication barriers. Hiring multilingual inspectors and support staff can also help ensure that all tenants and landlords can communicate effectively with program staff throughout inspection and code enforcement processes.



LEGAL SIDEBAR

Statutory Limitations on Fees and Fines

Many states have limits on how funds raised from fees and fines can be used. State laws often require that funds raised for a specific program go directly to funding that program.^{146,147} The amount of revenue raised by fees and fines should correspond with projected costs for setting up and operating your PRI program. A cautionary tale

comes from Pittsburgh, PA, which was sued by landlords three times when trying to start a PRI program, most recently in March 2022, in part because landlords believe the fees associated with the program are out of proportion with the cost of program administration.^{148,149}

Other Funding Sources

Most PRI programs are funded through a combination of fees and fines and general city budget allocations. However, some localities use other funding sources, particularly when fee and fine revenues do not cover the operating costs of their PRI program. For instance, the City of Rochester used lead prevention funds – including support for the cost of inspections – created by its lead poisoning prevention ordinance.¹⁴¹

One option for cities is to acquire program funding from public or private grants or from institutional sources like philanthropies and health care systems that might be interested in funding PRI as a form of primary prevention. The Cleveland Clinic partnered with the City of Cleveland, OH, as part of the Lead Safe Cleveland Coalition, a public-private partnership that provides landlords with loans, grants, and incentives to make housing lead safe, as well as training and other educational programming on lead inspection and remediation. Private contributions, such as the \$50 million given by the Cleveland Clinic, make up the vast majority of the coalition's \$115 million fund, which is enough to ensure that all of Cleveland's rental homes built before 1978 are lead safe.^{132,133}

Some localities use federal sources of funding – like the US Department of Housing and Urban Development's Community Development Block Grant (CDBG)¹⁵⁰ and lead poisoning prevention programs¹⁵¹ – to set up and run pilot PRI programs and cover other program costs. New York City uses CDBG funds for its Targeted Code Enforcement program.¹⁵² An emerging federal funding strategy is using Medicaid and health care funding to help pay for lead poisoning prevention and healthy housing efforts.¹⁵³



CASE EXAMPLE

Funding PRI in Tukwila, WA

The City of Tukwila originally intended to fund their PRI program solely from fee and fine revenues. However, when it became clear that the program was not financially viable without additional funds, the city pivoted to partially fund the program through the city budget. City leaders decided to take this approach because they recognized how important the PRI program was for preserving existing housing stock and protecting tenant health.¹⁵⁴

STEP 4: Determine a Rollout Schedule

Localities must also determine how to introduce their PRI programs. Because inspecting all rental units at the onset of a PRI program is almost sure to be logistically impossible, inspections will likely have to be carried out in phases. Localities must determine which properties should be inspected first, how properties will be grouped for subsequent inspections, the appropriate pace of inspections, and an initial deadline for completing all inspections. Localities have used a number of strategies to address these issues:

- Conducting drive-by exterior inspections to identify housing that is in the worst condition and prioritizing initial inspections of those properties
- Inspecting the oldest properties in the locality first
- Targeting properties with a history of complaints and noncompliance¹⁰⁵
- Inspecting specific neighborhoods that have large amounts of rental housing¹⁰⁷

PRI programs can also start as small pilot projects in neighborhoods that have a high density of rental units with code violations. Pilot programs require fewer resources to start and can be expanded later. Successful pilot programs can help make the case for expansion to other neighborhoods. St. Louis, MO, first adopted a PRI program in 1986 for specific housing conservation districts. Over time, the program expanded to other areas of the city, eventually covering the entire city, due to its success in improving the quality of residential housing.¹⁵⁵

Each option for launching a program has advantages and trade-offs. Focusing inspections at the neighborhood level helps in scheduling logistics because inspectors travel far shorter distances. Phased PRI that prioritizes the oldest properties or properties with a history of complaints directs a locality's limited resources toward housing units at greatest risk of harboring uninhabitable conditions. And pilot programs intended to focus only on specific properties or neighborhoods keep PRI costs down and reduce political opposition to the programs. However, if a PRI program is never expanded, it will not reach every unit and therefore may fail to address risks to some residents.

Chapter Summary

Careful planning of program rollout and implementation is crucial to the success of a PRI program. Localities must identify and connect with key stakeholders; consider the administrative, logistical, and financial requirements of the PRI program they have designed; and develop a suitable hiring, staffing, and training plan to carry out the program. Localities should also be strategic in how they introduce different phases of their program. While it's important to figure out when, where, and in what order inspections will take place, program administrators must also decide *how* inspections will be conducted. The next chapter will cover the details of property inspections in PRI programs.

CHAPTER 5: Property Inspections for PRI Programs

Once you've designed your PRI program, identified and collected data on the rental units in your jurisdiction, and set up the infrastructure necessary for program rollout, you can begin inspecting units.

This chapter will explain the importance of providing notice of inspection and describe how to set up and operate the inspections component of your PRI program. The final subsection will focus on potential challenges related to inspections and some possible solutions for overcoming those challenges.

STEP 1: Determine the Process for Issuing Notice of Inspections

Unlike most complaint-based inspections, proactive rental inspections are undertaken without a request from occupants. As a result, notice of a pending inspection serves an array of critical functions. By informing tenants about the purpose and process of inspections, notices can allay tenant fears, prepare tenants for a stranger to arrive at their door, and encourage tenants to permit entry. Giving tenants notice of the scheduled date and time of an inspection can also increase the likelihood that a tenant will be home and available to permit the inspector to enter. Finally, notice can alleviate some privacy concerns that residents may have by giving them the opportunity, in advance of inspections, to store personal items that are unrelated to code enforcement.

Inspectors should try to give tenants and property owners adequate advance notice of periodic inspections, especially if several years have passed since the last inspection occurred. Housing officials should also communicate with tenants to make it clear that they are primarily looking for violations by property owners and that any citations or warnings issued will be for the sake of their own health and safety. Inspectors can emphasize to landlords that remedying code violations now can help preserve property values and habitability, potentially forestalling more expensive repairs that might become necessary in the future. Such outreach efforts can help calm uncertainties about the inspection process for both tenants and landlords.

All rental housing inspections must be conducted with express permission from the current occupants. Inspectors must obtain signed approval from tenants, confirming that the inspector can lawfully enter and inspect the unit. Notifying tenants of an upcoming inspection can help smooth the process of acquiring signed permission from the tenant and ensuring that the unit is accessible on the day of inspection. Notifications of upcoming inspections are opportunities for inspectors – and the city's housing department more generally – to establish a positive relationship with community members and other PRI program stakeholders. Programs should provide notice to tenants by mail, by posting a notice at the property, or both.¹⁵⁶⁻¹⁵⁸

Outreach efforts can help calm uncertainties about the inspection process for both tenants and landlords.

STEP 2: Determine Criteria for Inspections

One of the first steps in scoping a proactive inspection program is identifying what you are inspecting for – that is, what code violations your program seeks to correct. The health and housing challenges you are trying to address may affect how frequently to conduct inspections, who conducts the inspections, the types of information and notice you will provide about inspections, and standard operating procedures for inspections.

Localities typically prioritize inspections for housing code violations if they have formally adopted a housing code. However, localities might consider including additional regulations within the scope of their inspections. It is important to balance what is feasible to accomplish in any given inspection with the goals of your PRI program.

Table 4 shows examples of what types of laws and codes your jurisdiction could include in proactive inspections as well as in other types of inspections, including non-proactive inspections.

TABLE 4: Examples of Codes That May Affect Rental Housing

Local codes	Housing code, lead safe housing laws, building code, property conservation code, zoning code, anti-litter ordinance, refuse code, elevator code
State codes	Multiple residence law (New York State), state fire and building code, energy code, environmental code
National codes	Electrical code, historic preservation



PRACTICE TIP

Incorporate lead inspections in the local housing code

Tenants who live in older rental units are often at increased risk of exposure to lead, which is a neurotoxin that can result in slowed growth and development in children along with a host of other ill health effects. Housing-related lead inspections are typically referred to local health departments rather than folded into the work of inspecting officers charged with code enforcement. This division can lead to uncoordinated and ineffective responses that generally take place after the harms of lead poisoning have already begun.

Increasingly, however, localities such as Rochester, NY,⁵⁸ and Pittsburgh, PA,⁵⁹ are realizing the potential of local housing codes as primary prevention tools that can identify and correct lead contamination, strengthen healthy homes by remedying other problems, and even prevent childhood lead poisoning in the first place. Localities should strongly consider amending their

housing code to require that inspectors be trained in lead testing practices. That way, during proactive rental inspections, inspectors can require property owners to remediate deteriorated lead-based paint using lead safe work practices. This strategy leads to better integration between PRI programs and local health departments' lead abatement programs.

For more recommendations on how to integrate lead poisoning prevention strategies into PRI programs, see the following resources:

- National Center for Healthy Housing, [Tactical Thinking: Housing Codes and Lead Poisoning Prevention](#)
- EarthJustice, [Better Lead Policy](#)
- Green and Healthy Homes Initiative, [Strategic Plan to End Childhood Lead Poisoning](#)

Proactive inspections do not have to cover all of these laws or types of inspections. Some processes, like permit applications, will generally require a separate inspection anyway, and you may decide to prioritize some codes or laws in your proactive program while leaving other codes and laws to other required inspections or to a complaint-based inspection mechanism. Once you know what codes your program is inspecting for, you can use that information to generate inspection checklists for your inspectors to use on the job. Subsequently, inspection checklists, such as the one employed by Syracuse, NY,¹⁶⁰ can be used to devise standard operating procedures for issuing warnings or enacting enforcement actions for different types of code violations. The City of Syracuse's [Periodic Inspection Maintenance Checklist](#) covers a number of property conditions that inspectors from the City's Division of Code Enforcement will check for, such as exterior and interior maintenance, utilities, and other safety hazards.

STEP 3: Determine What Parts of the Rental Property Are Inspected

PRI programs must designate whether inspections will include (1) exteriors of buildings, (2) interior common areas, and/or (3) individual units in a building.

Exterior Inspections

Some jurisdictions inspect only the exterior of buildings due to resource limitations or legal restrictions such as preemption. Exterior inspections can help to identify nuisances and problematic properties, prevent crime and fires, and provide some notion about interior conditions. For example, a study by the National Center for Healthy Housing has found that exterior and interior housing conditions are related: the greater the number of certain exterior problems, the more likely it is that the property has associated interior problems.¹⁶¹ For instance, a sagging roof portends interior problems with pests and moisture. However, an exterior inspection alone cannot identify all unsafe and substandard conditions – such as electrical, plumbing, and structural problems – that reside within rental units or the building's stairs, hallways, and other common areas.^{162,163} Exterior inspections without interior inspections are generally the weakest choice and should at least be paired with inspection criteria that would allow interior inspections of units with code violations from the exterior inspection.

Interior Inspections

Jurisdictions may choose to inspect only common interior areas to help alleviate tenant privacy concerns.¹⁶⁴ This practice can be paired with inspection criteria that would allow interior inspections for units found to have code violations from inspection of common interior areas.

Individual Unit Inspections

The most comprehensive inspection programs include interior inspections of all units, although this approach can present resource and capacity challenges. Jurisdictions with many large apartment buildings may not feasibly be able to inspect all eligible rental units. One strategy to address these challenges is to inspect a random sample

Exterior inspections can help to identify nuisances and problematic properties, prevent crime and fires, and provide some notion about interior conditions.

of units within large apartment buildings (with notice to tenants but not landlords).¹²³ This approach can speed up the inspection process and can be paired with requirements that would escalate to building-wide inspection if enough violations are found.¹²³

In Sacramento, CA, for example, inspection of a multi-unit building includes all common areas and a random sample of no less than 10 percent of rental housing units. If the inspector determines that a property is in violation of any standard, the inspector is authorized to inspect additional or all units of that property.¹⁶⁵ Seattle, WA, uses a different formula: in buildings containing 20 or fewer units, a minimum of 2 units must be inspected; and in buildings containing more than 20 units, 15 percent of the rental units must be inspected, up to 50 rental units in each building.¹⁶⁶

STEP 4: Determine the Frequency of Inspections

Whether in conjunction with a registration system or a licensing requirement, the defining characteristic of PRI programs is routine inspection of rental housing. How often localities elect to conduct inspections typically depends on the extent of a locality's needs (perhaps based on data gathered through a needs assessment), quality of housing stock, capacity of inspectors, resources, and political will. In addition to periodic inspections, specific events may trigger, accelerate, or decelerate inspections. Table 5 shows the frequency of inspections in some jurisdictions.

TABLE 5: Frequency of Inspections: Examples

LOCALITY	FREQUENCY OF INSPECTION
Ann Arbor, MI	Not more than 2.5 years
Baltimore County, MD	Every 3 years
Boston, MA	<ul style="list-style-type: none"> ■ Every 5 years, for most properties ■ Rental units belonging to chronic offender landlords are inspected every 3 years ■ Problem properties are inspected annually
Boulder, CO	<ul style="list-style-type: none"> ■ At registration ■ At renewal of license, which is required every 4 years ■ Upon transfer of ownership
Grand Rapids, MI	Every 2, 4, or 6 years, depending on compliance
Kansas City, MO	Every 2 to 4 years, depending on compliance
Los Angeles, CA	Every 3 years

Periodic Inspections on a Fixed Basis

Many PRI programs require inspections on a cyclical basis, usually every three to five years.¹³⁴ Some localities choose to use a longer re-inspection cycle for smaller buildings and a shorter cycle for larger buildings. Los Angeles, CA, and Baltimore County, MD, require an inspection every three years.^{167,168} Boulder, CO, requires an inspection at registration, upon renewal of a rental license (generally every four years), and upon transfer of ownership.¹⁰¹ Ann Arbor, MI, specifies that the period between inspections shall be no longer than 2.5 years.¹⁶⁹

Inspection Frequency Based on Prior Compliance

Some localities set a baseline standard for the frequency of inspections and then allow deviation from that standard based on a property's record of compliance. The locality may require less frequent inspections once a property owner establishes a record of compliance.¹⁷⁰ In Kansas City, MO, certificates of compliance are valid for two years; however, owners may be issued certificates that are valid for up to four years if there have been no violations since the last date of certification.¹⁷¹ Grand Rapids, MI, also ties inspection frequency to past compliance, issuing two-, four-, or six-year certificates of compliance, depending on the record of compliance, the presence or absence of violations, and the degree of compliance with their program's registration and fee requirements.¹⁷² Most rental properties in Boston, MA, are inspected every five years, but inspections are more frequent for chronic offender landlords and properties with higher rates of violations.

Tenancy & Vacancy Inspections

Another strategy is to inspect units upon registration, when a tenancy begins, when ownership or property management changes, or during the licensing process. Boulder, CO, for example, requires an inspection at registration, upon renewal of a rental license, or upon transfer of ownership.¹⁷³ Inspecting units when they are vacated due to a change in tenancy may make both inspections and repairs easier to conduct and less disruptive. In addition, by facilitating repairs before a tenancy begins, a rental housing inspection program can help protect future tenants from being exposed to dangerous conditions such as deteriorating lead-based paint or fire hazards.

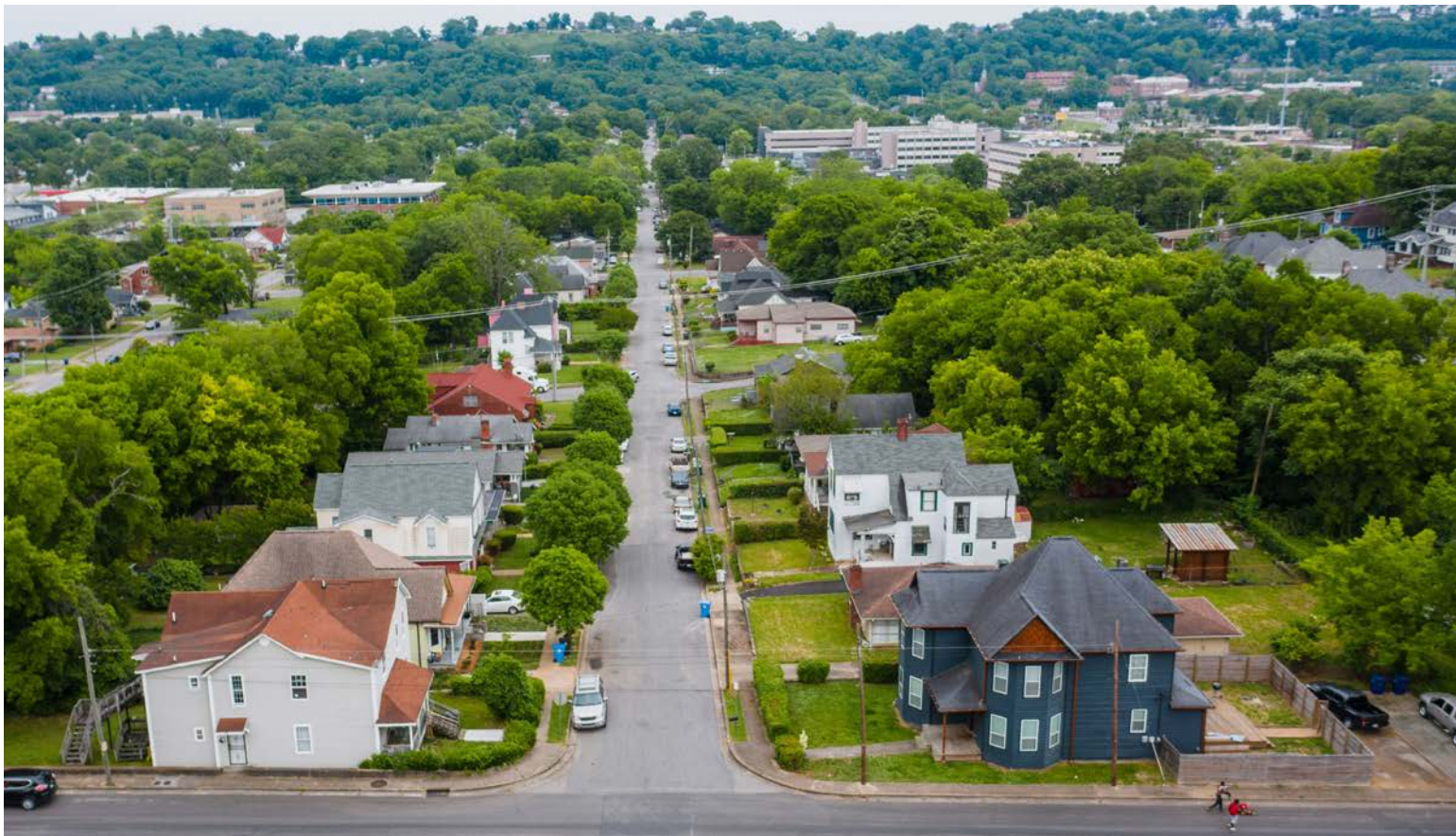


Photo: Kelly/Pexels

STEP 5: Anticipate Inspection Challenges

Communities encounter a number of challenges in their efforts to conduct inspections effectively, including coordination with other agencies charged with inspectional responsibilities, capacity constraints, gaining access to the units to be inspected, and unexpected problems while conducting inspections.

Overlapping Jurisdictions & Roles

In some localities, PRI programs carry out their work while other governmental entities – such as the county public health department or the local fire department – also inspect rental units in their jurisdiction and issue citations based on those inspections. Sometimes the inspections are for similar purposes, like looking for in-home health hazards, while at other times, inspectors are inspecting units for completely divergent purposes. PRI program administrators should research which other agencies are also inspecting rental properties and coordinate with those agencies to make sure that tenants and property owners are not unduly burdened with redundant inspections and compliance requirements.

Capacity Constraints of Inspectors

One challenge that most PRI programs face is a limit on the number of units that can be inspected within a given time frame. PRI administrators must take care to avoid tasking inspectors with unrealistic numbers of inspections, which can decrease morale and lead to burnout. To best use their inspection personnel and resources, PRI administrators may need to prioritize their efforts by focusing on specific neighborhoods or types of units. (See Chapter 3 for more details on selecting which properties to prioritize).



LEGAL SIDEBAR

Tenant Consent to Inspector Entry

Under the Fourth Amendment to the US Constitution, tenants have the right to be secure in their homes against unreasonable searches. At the same time, state and local police powers authorize laws that are reasonably related to the health, safety, and welfare of residents. The US Supreme Court has recognized that local inspection powers are of “indispensable importance to the maintenance of community health.”¹⁷⁴ The government has a strong interest in preventing “even the unintentional development of conditions which are hazardous to public health and safety.”^{174,175}

A government agent’s entry into a private home without the tenant’s consent is presumed to be unreasonable unless there are emergency circumstances or a warrant to justify the intrusion.¹⁷⁶ Therefore, an inspector must

have affirmative consent from the resident prior to or at the time of the inspection. Programs may allow inspectors to obtain tenant consent for entry at the time of the inspection¹⁷⁷ or through a pre-inspection consent form.¹⁷⁸

While tenants often give consent for an inspector to enter, a tenant may deny consent for any of the reasons mentioned at the beginning of this subsection. PRI ordinances may empower the locality to seek an administrative inspection warrant from a court if necessary. A warrant may be sought, for example, when consent to inspection is denied by the tenant, but the exterior exhibits clear signs that there may be a housing code violation inside.¹⁷⁹⁻¹⁸²

Tenants Who Refuse Consent for Inspections

Not all tenants will consent to PRI inspections of the rental units where they live, which is a requirement in order for code inspections to occur. The first step in interacting with inspection-averse tenants is to provide them with background information on the PRI program and its purpose. Some reluctant tenants may be convinced to allow an inspection once they learn that inspectors are interested in protecting their health or that inspectors are primarily searching for code violations by property owners. Reluctant tenants may also be concerned that inspectors will report their immigration status to law enforcement, so inspectors should make it clear up front that they do not collect or report any information related to immigration status. Finally, if a tenant still does not consent to an inspection after learning all of this information, inspectors should treat them courteously and supply them with information on how to contact the PRI program should they change their mind.

Tenant Violations

Unsurprisingly, not all rental unit code violations that inspectors uncover are the fault of property owners or landlords. Instead, some code violations are the result of actions taken by tenants. Inspectors who encounter tenant violations should carefully consider their compliance and enforcement options. Enforcement actions taken against renters with low income may cause undue hardship and further entrench existing inequities. Inspectors should seek to use the least forceful means possible to nudge tenants to correct code violations that threaten health and safety. Two common tenant violations that can prove challenging include overcrowded housing and hoarding.

Overcrowding. Overcrowding of units, especially in localities with expensive or tight housing markets, is a challenge for PRI programs. Low-income residents may have few alternatives to shared housing.¹⁸³ When inspectors find that occupancy levels violate applicable codes and initiate enforcement actions, tenants may end up being evicted due to the overcrowded condition of the unit. For information on using equitable enforcement strategies to prevent tenant displacement, see Chapter 6.

Hoarding. Current studies estimate that a little over 2 percent of the population engages in hoarding behaviors.¹⁸⁴ Severe hoarding not only puts a tenant and other occupants of a housing unit at risk but may place neighboring residents at risk of fire, disease, or pest infestations.¹⁸⁵⁻¹⁸⁷ This disorder is not widely understood, and localities often struggle with effective ways to address hoarding.^{185,188} Studies have shown that compared with the general population, “prevalence of hoarding behaviors was 4 to 10 times higher” in the client population of an eviction prevention organization.¹⁸⁹ Houseless individuals have reported a similar prevalence of hoarding behaviors; 8 percent report that their hoarding “directly contributed to their homeless state.”¹⁸⁹ However, since hoarding is a type of mental health challenge,¹⁸⁶ localities should identify ways to assist hoarders without rendering them houseless.^{185,188,189} For more information on using equitable enforcement strategies to prevent tenant displacement, see Chapter 6.



PRACTICE TIP

Train inspectors to serve their community

Inspectors must be trained and supported so that they can provide high-quality, responsive, and fair services to the communities that they serve. These standards should be maintained in all aspects of the PRI program that inspectors are involved in: outreach and notification, inspections, and enforcement and compliance measures. Inspectors should receive training in interacting with people from different cultures or who speak another language, people who are unhoused, and people who are experiencing mental health challenges. Inspectors should also be trained in how to connect residents with social services and supports delivered by other government agencies and their organizational partners. Inspectors must understand that their role is not to act as housing police officers who seek to punish residents and landlords; instead, they need to understand that their role is to support residents and correct housing code violations by the least punitive means.

Uninhabitable or Illegal Units

In extreme cases, an inspector may find substandard conditions that immediately threaten the health and safety of residents. PRI programs should include measures that require landlords to fix properties quickly; however, in the worst cases, the locality may require a tenant to vacate the property. Inspectors may also encounter illegal units: units that have not been registered or licensed and units that are in violation of zoning or building codes. When possible, localities should aim to bring units into compliance to preserve rental housing stock. When uninhabitable or illegal units cannot be brought into compliance, relocation programs and supportive social programs are key to ensuring that tenants remain housed.

Chapter Summary

Once a housing code inspector is dispatched to a location, it is important to have protocols in place to maximize the effectiveness of the visit. These procedures begin with giving adequate notice to make sure that inspectors are given permission and access to conduct inspections. Next, localities should tailor inspection criteria according to the available inspection time and the condition of housing. Finally, localities should anticipate challenges and have contingency plans to address them as they arise. While conducting inspections, it is inevitable that housing code violations will be spotted, and the next chapter will cover what jurisdictions can do to incentivize compliance in an equitable way.

CHAPTER 6: Equitably Enforcing PRI

In addition to getting your PRI program up and running, figuring out what to do when you identify code violations is a critical aspect of program implementation.

The first section of this chapter answers the question “How can communities enforce compliance using local housing codes?” by describing what enforcement tools and processes a locality can use to make sure that property owners address housing code violations.

However, even though PRI programs are more equitable by design than complaint-based programs and even though the goal of housing code enforcement is to address substandard housing and improve housing quality, any time a locality pursues enforcement, inequitable enforcement is a possibility. As such, the second section of this chapter goes on to answer the question “What is equitable enforcement?”

The third section of this chapter then explores how a locality can implement equitable enforcement. In particular, we suggest aligning your program’s enforcement mechanisms with the goal of protecting tenant health; shifting focus away from punitive approaches to ones that motivate compliance in cooperation with landlords and tenants; and mitigating the inequitable consequences that could result from your program’s enforcement actions.

How Can Communities Enforce Compliance Using Local Housing Code?

Enforcement refers to how government ensures that laws are obeyed and specifies consequences for failing to obey. Because the goal of housing and property maintenance codes is to ensure that housing is safely and adequately maintained, most programs aim to help property owners comply with the code before turning to punitive measures. If an investigation shows violations, most programs give the property owner a specific period of time to remedy the problems and then re-inspect the property for compliance. Many property owners are not aware of the violations and quickly remedy them when notified. But if the property owner doesn’t fix the problem, then the city may need to begin pursuing additional measures to promote compliance.

Enforcement processes begin with educating and informing the public about legal requirements, conducting inspections to ensure compliance, using those inspections as an ongoing opportunity for education and outreach, and if all else fails, issuing a notice of violation. A notice of violation (or order to comply) typically must do the following:

1. Describe the activities or conditions that are in violation of specific sections of municipal code and identify what those sections of code are
2. List actions necessary to correct the violation(s)
3. Set out the deadline or specific date by which to correct the violation(s)
4. Explain the consequences of continued noncompliance



PRACTICE TIP

Provide translated documents and translation services during enforcement

Regardless of the mechanism of enforcement chosen, language barriers present an equity challenge. PRI programs should be prepared to provide translated documents and translation services during program outreach and during enforcement proceedings.

After notice has been given, localities can generally pursue one of four pathways for enforcement – administrative, civil, criminal, or emergency enforcement – each of which uses different types of processes and penalties to incentivize compliance. Table 6 on p. 46 summarizes these four enforcement pathways.

Administrative Enforcement

Administrative enforcement occurs within a local government agency rather than through a lawsuit in court.¹⁹⁰⁻¹⁹² When pursuing remedies through administrative enforcement, code enforcement officers can penalize property owners who do not address violations cited in previous notices of violation through financial penalties or suspension or revocation of property licenses, permits, or registrations. Property owners may generally appeal these penalties through an administrative hearing at which an administrative hearing officer considers the evidence and decides whether a violation occurred and what the penalty should be. Typically, property owners may then appeal that decision to an appellate board or trial court, although they may be dissuaded from doing so given the cost and time involved in appealing.¹⁹³

Administrative enforcement is less costly and quicker to administer than civil or criminal enforcement. Some cities may have a pool of administrative hearing officers, while others may have a dedicated official or board to hear housing claims. The Bureau of Administrative Adjudication of the City of Syracuse, NY, for example, is staffed by a chief administrative judge who may appoint up to seven additional administrative law judges.¹⁹⁴ The bureau is empowered to hear cases involving public health that do not result in criminal penalties – such as municipal code violations – and to issue civil penalties.



Photo: Michael King/Stockphoto

Financial Penalties

Many cities assess administrative fines for violations of housing or property maintenance codes, including failing to register property, allow inspections, or maintain the property and submitting false certificates of inspection or other false documents. Penalties may vary based on the number, severity, and types of violations and may be tiered so that less punitive measures are applied for initial violations and fines escalate for repeated and more severe violations. In Boulder, CO, for example, the city can impose penalties from \$150 to \$1000 for each violation of the property maintenance code.¹⁹⁵



PRACTICE TIP

Avoid overly punitive penalties

It is important to be aware of the consequences of adopting and implementing overly punitive penalties that can unintentionally create or worsen inequities in housing. Some penalties are more problematic than others.

Some cities, such as Grand Rapids, MI, ensure that financial penalties are paid by placing a lien on the property.¹⁹⁶ A lien is a legal document that is recorded against the property, notifying the public that a creditor (such as a city or county) has a financial interest in the property. The lien lasts until the debt it secures is paid and may affect refinancing or sale of the property.

While liens may be effective in ensuring that a city ultimately gets paid for code violations, they may end

up doing more harm than good. First, liens of this nature may do little to protect tenant health because of the long-term time frame for pursuing this type of remedy.¹⁹⁷ Second, the city may choose to force the sale of a home to collect on a lien; a common remedy. However, this is an extreme option, especially when applied to homeowners who may have only a few hundred dollars in debt.¹⁹⁸ This system disproportionately affects homeowners of color who have low income, particularly when cities sell liens in bulk to private investors who then engage in predatory targeting to remove households of color and accelerate gentrification.¹⁹⁹

Suspension of Licenses, Permits, or Registration

Localities with PRI programs that require landlords to register their properties or obtain a license to rent housing units have an additional administrative enforcement tool to incentivize compliance. Beyond fining property owners who fail to make necessary and timely repairs, these localities can suspend or revoke the rental license or registration of landlords who violate housing or property maintenance codes.²⁰⁰ Localities seeking to use this tool should specify the consequences that will result from suspension of the license or registration. Here are three prominent types of consequences that can help incentivize compliance:

Inability to rent units on the property. For example, during the suspension period, the locality could prohibit the owner from renting units that are currently vacant or that become vacant when a tenant moves out. Baltimore, MD, requires property owners to obtain a rental housing license in order to rent property and may suspend or revoke a license due to housing code violations, prohibiting the owner from renting units on the property until the violation is corrected and the license restored.¹³⁷

Rent withholding and rent escrow. Local rent withholding and rent escrow laws allow tenants to either withhold rent from landlords who do not address housing code violations or pay that rent into a municipally held account until repairs are made and the units pass inspection. In some situations, landlords and tenants may apply for funds from the escrow account to cover repair costs.²⁰¹ These funds may also be made available to tenants for relocation assistance if necessary.²⁰¹ Los Angeles, CA,²⁰² and Detroit, MI,²⁰³ have created rental escrow account programs that provide tenants with opportunities to withhold rent.

Inability to evict. Some localities, like Seattle, WA, expressly prohibit unlicensed or unregistered property owners from evicting tenants.²⁰⁴ However, even where no local ordinance mentions a landlord's ability to proceed with eviction, courts may decide that a landlord must prove that they are licensed in accordance with local law before proceeding with an eviction case.^{205,206}

For more information on using administrative enforcement, see the Public Health Law Academy's three-part [training series on administrative law](#).

Civil Enforcement

A locality, through its city attorney or county counsel, can also file a civil lawsuit to enforce a law, remedy a wrong, or protect a right. If someone is violating an ordinance, the city or county can sue for an injunction and impose civil penalties, including fines. Because filing a lawsuit and litigating a matter in court is expensive and time-consuming and cities have limited resources, cities generally pursue civil remedies only in extreme cases when housing is in a dangerous condition or a landlord has evaded other forms of enforcement.²⁰⁷

Injunctions

An injunction is a court order requiring a party to take or refrain from certain action. A city or county may sue for an injunction to stop a person or business from violating an ordinance. For example, the City of Sacramento authorizes enforcement of its rental housing inspections code by injunction.²⁰⁸ If a landlord fails to bring a property up to the standards of city codes, the city can sue to get a court order for the landlord to do so, which is then enforceable (i.e., a person risks being in contempt of court by failing to comply with an injunction, which can have its own civil or criminal consequences). Similarly, a locality may seek to enjoin a property owner from renting units on a property until necessary repairs are made.

Civil Penalties

Civil penalties are similar to administrative financial penalties, but a city must file a lawsuit to collect them.^{209,210} When establishing civil penalties in an ordinance, a local government must comply with the requirements of state law, including any caps on the amounts the ordinance may impose.²¹¹ State or local law may also determine how the collected financial penalties can be used.²¹²

Because filing a lawsuit and litigating is expensive and time-consuming, cities generally pursue civil remedies only in extreme cases when housing is in a dangerous condition or a landlord has evaded other forms of enforcement.

Criminal Enforcement

In some states, cities and counties are authorized to make violations of an ordinance a crime.²¹³ The county’s district attorney or a city attorney can bring an action in criminal court to prosecute the violation. A criminal violation of a local ordinance is usually either a misdemeanor (less serious than a felony and usually punishable by a fine or brief confinement in a city or county jail) or an infraction (punishable by a fine but not incarceration). Fort Worth, TX, for example, provides that each violation of its multi-unit housing inspection law is a misdemeanor punishable by a fine of no more than \$2,000 per day.²¹⁴

Policymakers should pay special attention to the potential impacts of criminal sanctions when drafting enforcement provisions. Over-reliance on criminal enforcement can exacerbate inequities and result in unnecessary interactions with law enforcement in underserved communities,^{215,216} which may already mistrust police and other institutional actors^{217,218} due to historical mistreatment and persistent disparities in the criminal justice system.^{215,219,220}

Emergency Enforcement

The final type of enforcement is emergency enforcement, which allows localities to address violations that pose an immediate danger to the health or safety of tenants. In Los Angeles, CA, for example, the city can order that such a violation be fixed within 48 hours and re-inspected within the next 24 hours. If the condition has not been repaired, the city is authorized to make the repair and require the property owner to reimburse the city.²²¹

TABLE 6: Types of Enforcement

ENFORCEMENT PATHWAY	DISTINGUISHING FEATURES	ADVANTAGES	DISADVANTAGES
Administrative	<ul style="list-style-type: none"> Can be heard by city-appointed administrative hearing officer Doesn't require court proceedings 	<ul style="list-style-type: none"> Fastest form of enforcement Penalties such as suspension of license or registration can be tied to additional renter protections. 	<ul style="list-style-type: none"> May not be allowed under preemptive state laws Administrative adjudication may not be as transparent as civil adjudication.
Civil	<ul style="list-style-type: none"> Initiated by city attorney, county counsel, or state attorney general Lawsuit in civil court to pursue financial penalties or injunction 	<ul style="list-style-type: none"> Potentially not as powerful a deterrent as criminal enforcement Can frequently recoup the costs of enforcement proceedings from landlords 	<ul style="list-style-type: none"> Slow and expensive enforcement process Requires legal and code enforcement resources and follow-up May result in more ad hoc and inequitable enforcement than administrative enforcement
Criminal	<ul style="list-style-type: none"> Initiated by city attorney, county counsel, or state attorney general Lawsuit in criminal court 	<ul style="list-style-type: none"> Can incentivize compliance in the most challenging cases 	<ul style="list-style-type: none"> Greatest potential for inequitable outcomes Involvement with the criminal justice system may have serious consequences for many aspects of a person's life. Slow and expensive enforcement process
Emergency	<ul style="list-style-type: none"> Can be initiated administratively or through the courts Allows locality to make fixes or otherwise condemn or demolish properties 	<ul style="list-style-type: none"> Generally fast enforcement process 	<ul style="list-style-type: none"> Can lead to tenant displacement Often requires local government expenditures to make repairs or demolish Often results in liens on property, making it harder to sell or change owners



PRACTICE TIP

Learn enforcement lessons from other localities

- Many localities have found that financial penalties alone are insufficient to effectively incentivize property owners to maintain their properties appropriately,²²² for a number of reasons, including fines not being large enough, lack of follow-through by inspectors in tracking citations and re-inspecting properties, and lack of follow-through by cities in collecting fines.⁴⁵ The latter two issues may be particularly difficult for jurisdictions that are short-staffed on inspectors and attorneys.
- Many localities have found that administrative enforcement is both easier to implement and more effective in incentivizing compliance than civil or criminal enforcement. For example, Syracuse, NY, has set up administrative processes to help expedite the enforcement process,²²³ while the auditor and the inspector general of Washington, DC, cited delays in the civil enforcement system as one of the reasons for poor code enforcement in the District of Columbia.^{224,225}
- Some localities, such as Boston, MA, have found it helpful to set up an organizational structure that allows one group of inspectors to focus on proactive inspections, while another enforcement group responds to housing complaints and follows through on enforcement actions.^{226,227} The second group may include inspectors, attorneys, and others needed to pursue enforcement efforts.

What Is Equitable Enforcement?

Although PRI aims for equitable housing outcomes, any enforcement action also carries the risk of reinforcing or exacerbating racial or socioeconomic disparities. To address this risk, localities should take steps to make sure that their PRI programs are equitably enforced. Equitable enforcement is a process of ensuring compliance with law and policy that considers and minimizes harms to communities that face structural discrimination.²²⁸

Taking an equitable enforcement approach to a PRI program means considering the equity implications of a locality's overall enforcement strategy for its communities, as well as the equity implications of specific enforcement actions for individual tenants and landlords – while also holding to the guiding principle that all aspects of the program, including enforcement, should prioritize tenant safety and well-being. In practice, this approach means developing an enforcement structure that ensures tenant safety through property owners' compliance with local housing and building codes while also anticipating and accounting for the equity challenges presented by enforcement (including overenforcement and underenforcement) of housing codes.

An equitable enforcement approach to PRI programs considers equity at all stages of enforcement, from determining when to undertake an enforcement action (e.g., for all code violations? according to a prioritization schedule?) and against whom (e.g., all landlords? landlords with violations? repeat violators?) to deciding which enforcement tools to use (e.g., a fine? suspension of rental license? civil lawsuit?). If, in navigating an enforcement action, harm is transferred from owners to tenants, the action is no longer equitable and therefore should be re-examined. For example, a locality must carefully consider the costs and benefits of bringing an enforcement action that is likely to result in tenant displacement and what additional or different actions the locality could take to mitigate that harm.

Extra care must be taken if the tenants likely to be harmed by enforcement actions belong to communities that face structural discrimination, given that they are likelier to experience significant housing challenges or have a high risk of housing instability. People with the least resources and the greatest housing needs should not disproportionately bear the brunt of harm stemming from a locality's actions.

Inequitable Enforcement

Another way of understanding equitable enforcement is by examining its opposite – inequitable enforcement. Racial disparities in housing quality – as shown in measures such as exposure to lead and poor air quality – are partly due to inequitable over- and underenforcement of housing codes.^{27,28}

Overenforcement

Overenforcement occurs when laws are enforced more frequently or more strictly in certain places or against certain people in comparison with others, resulting in disproportionate punitive enforcement in some communities. The two primary harms from overenforcement of PRI are (1) impacts on tenants, like displacement, that often disproportionately affect Black, Indigenous, and other people of color and people with low incomes; and (2) harms to small landlords.

Data show that people of color and residents who have low income are disproportionately affected by housing laws centered on “crime-free” housing and tax delinquency.²²⁹ Housing stock in poor condition is often located in previously redlined areas that have experienced continual disinvestment. Due to systemic discrimination and suppression of opportunities, people of color and people with low income are more likely to live in these areas. When code violations are strictly enforced or even focused on these properties, tenants may end up being displaced as a result of landlord retaliation or rent increases intended to cover landlords' costs of making necessary repairs.²³⁰ Some research even suggests that developers and people moving into a new area may abuse the code enforcement system to harass and displace unwanted neighbors.^{231,232}

An equitable enforcement approach to PRI examines whether distribution of the PRI program's code enforcement actions among neighborhoods is motivated by racial bias and works to ensure that people of color and residents who have low income are not disproportionately subjected to the harms of overenforcement. An equitable enforcement approach to PRI might also examine the financial impact of fees or fines imposed on landlords who fail to bring a property into compliance. A locality using an equitable enforcement approach would, where possible, consider alternative measures such as payment plans and low- or no-cost alternatives to prevent harms that ultimately undercut the goals of a PRI program.

Overenforcement of housing codes also has the potential to harm landlords of small buildings containing four or fewer units and landlords with the fewest resources. Overenforcement against small landlords may lead to their taking their units off the market, selling their properties to large landlords or property management companies, or even experiencing property foreclosure. Such consequences can worsen housing inequities in a locality in the following ways:

Data show that people of color and residents who have low income are disproportionately affected by housing laws centered on “crime-free” housing and tax delinquency.

- Landlords of small buildings containing four or fewer units tend to be more diverse as a group, racially and socio-economically, as compared to landlords of larger properties.^{64,233} Overenforcement against these owners thus may lead to less landlord diversity.
- Small landlords are more likely to be responsive to tenant needs; more likely to make accommodations for late rent payments or seek to avoid evicting their tenants;^{234,235} more likely to rent to Black, Indigenous, and other people of color; and generally charge less rent.⁶⁴
- Overenforcement of housing codes against small landlords can compound other systemic issues, like increased institutional investment, gentrification, and foreclosures all aimed at driving them out of the market.^{230,231} Properties formerly owned by small landlords are often converted to homeownership units (which are then no longer available for rent, hurting overall housing affordability) or taken over by large property owners and property management companies that are less accommodating to tenants and more likely to raise rents.²³⁴

Underenforcement

Another form of inequitable enforcement that can harm public health is underenforcement, which occurs when groups experiencing social and economic disadvantages also experience infrequent or inconsistent enforcement of laws designed to protect their health and access to opportunity. Housing codes are one example of a type of protective public health law that is frequently underenforced.²³⁶⁻²³⁸ Tenants experiencing various social and economic disadvantages may also face structural barriers to exercising their rights to safe and habitable housing in a complaint-based system of housing code enforcement. Such structural barriers include lack of knowledge about when and how to file complaints, language barriers, fear of landlord retaliation, fear of losing their housing, and lack of access to affordable civil legal assistance. All of these barriers can lead to underenforcement.

One of the fundamental goals of PRI programs is to address systematic underenforcement of local housing codes, given that PRI ensures regular, periodic inspections of all covered properties regardless of whether individual tenants have

One of the fundamental goals of PRI programs is to address systematic underenforcement of local housing codes.



PRACTICE TIP

Avoid misuse of discretion in enforcement efforts

Equitable enforcement may require inspectors to use their discretion to decide, for example, which violations to issue and how aggressively to pursue them. While having discretion can be useful for inspectors, it is important to guard against inequities resulting from unintentional and implicit biases in their use of discretion.²²² Some ways to create a more equitable PRI program and avoid misuse of discretion include the following:

- Clearly stated policies and decision-making guidelines about when and how to use various enforcement options or alternatives to punitive enforcement
- Policy design informed by community engagement and feedback
- Thorough and regularly updated training in avoiding bias and use of enforcement discretion for inspectors
- Evaluation of the program, especially inspectors' use of discretion, through data collection, analysis, and community feedback. Data collection can, for example, assess whether specific groups are experiencing inequitable over- or underenforcement of housing code protections.

complained. Even communities with a PRI program can consider adopting supplemental approaches to minimize the risk of underenforcement. For example, localities could focus their code enforcement resources on geographic areas with a greater concentration of housing habitability issues or older housing stock, to ensure that resources are dedicated to serving tenants who are living in the worst-quality housing. (See Chapter 3 for more information on establishing priorities for a PRI program.) Communities can also audit their PRI enforcement efforts to determine whether code enforcement officers are affected by racial bias or whether inspections and timelines are more favorable for white residents or in wealthy neighborhoods. An equitable enforcement approach to a PRI program might also examine the rate of repairs or corrections and further develop sources of funding to help landlords who wouldn't otherwise be able to afford repairs. Further, local governments can adopt local hiring practices and partner with community-based organizations on more extensive, concentrated outreach to rebuild community trust in local government and more equitably enforce the housing code through both complaint-based and PRI programs. (See Chapter 4 to learn more about the benefits of local hiring of inspectors.)

How to Design & Implement an Equitable Enforcement Strategy

Understanding how enforcement measures can exacerbate inequities is only the beginning of ensuring that a PRI program can achieve the promise of its goals. Equitable enforcement also requires program design that is carefully considered and responsive to the local context. Creating an equitable enforcement strategy involves six key strategies: involving affected communities and groups, changing the culture of code enforcement, promoting cooperation with landlords, developing interagency coordination, mitigating the harms of enforcement, and adopting complementary healthy housing policies.

1. Involving Affected Communities & Groups

When affected communities are not involved in policy development for a PRI program, the resulting policy may be a poor fit for the community. Failure to incorporate community voices during policy selection, design, and implementation processes may also allow other groups, such as landlords and property owners with negative attitudes toward affected populations, to slow or block adoption of evidence-based policies.

Take, for example, the contrasting cases of San Luis Obispo, CA, and Fresno, CA. San Luis Obispo initiated a PRI program in 2015 in response to the discovery of major code violations in housing serving its student populations; however, the program was enacted without significant community input or support, and ultimately, the program was repealed in 2017 due to landlord pressures. In contrast, Fresno's PRI program passed in 2017 as a result of significant grassroots support and with the input of local landlords.²³⁹

Design of equitable enforcement strategies for PRI programs also benefits from involving those who stand to be most affected by the programs, such as landlords of small (two-to-four-unit) and medium-sized (five-to-twenty-unit) buildings and communities that face structural discrimination. Outreach can reinforce equitable engagement by encouraging participation of landlords and tenants who would otherwise be unaware of or unable to participate in traditional policymaking processes. Outreach might focus on first-time

Local governments can adopt local hiring practices and partner with community-based organizations on more extensive, concentrated outreach to rebuild community trust in local government.

landlords, landlords with a small number of units, and tenants living in areas with the most code violations. PRI programs might also include a dedicated community advisory board (CAB) to provide comments and feedback on enforcement strategies. CABs may reserve a number of spots on the board for members of population groups that will be most affected by a PRI program.

2. Changing the Culture of Code Enforcement

Many localities may need to begin their PRI program by building buy-in within local government agencies for PRI as a new approach to housing code enforcement. Code enforcement is a core government service that is integral to promoting and protecting public health. However, it has historically been underfunded and has frequently focused more on finding code violations and penalizing violators than on improving community health. Creating a PRI program that achieves the goal of using housing code provisions to protect tenant health requires using health equity as the primary goal-setting and evaluation parameter for your prevention work. Once leadership and staff are committed to operationalizing health equity, then your department can tweak existing structures and processes to reflect those values.

For code enforcement officers, this change means expanding beyond the nuts and bolts of the inspection process to include community outreach and education about the hazards associated with poor housing quality. Changing the culture of code enforcement goes beyond how inspectors do their job; the change in culture extends to all members of the broader code enforcement system, including the elected city leaders and department heads who guide inspection efforts, the city attorneys who assist in pursuing enforcement orders, and the hearing officers and judges who adjudicate enforcement actions.



Photo: August de Richelleu/Pexels

3. Promoting Cooperation with Landlords Through Cooperative Compliance

Most landlords want to keep their properties in compliance with housing codes, but many do not know the full scope of their responsibilities. Cooperative compliance is a model that seeks not only to help landlords fix violations but also to help property owners understand their rights and responsibilities and how going beyond what is minimally required can benefit them as well as the community in the long run. In this model, landlords would regard code enforcement officers as trusted community partners rather than feared adversaries. Code enforcement officers and property owners can work together to promote the preservation of housing stock and help both the jurisdiction and landlords save time and money on re-inspections, administrative hearings, and prosecutions.

Under the traditional code enforcement model, the property owner is responsible for correcting violations on their own – a process that incentivizes the owner to do the bare minimum to correct a violation, often to avoid being fined or prosecuted. Landlords may also be unaware of violations, particularly if tenants have been afraid to notify them for fear of retaliation; and some landlords may lack funds for necessary repairs. Under a cooperative compliance model, rather than just inspecting housing and citing for violations, the code enforcement officer works cooperatively with property owners to help them understand the elements of healthy housing, the importance of code compliance, how to bring the property into compliance, and how proactive property maintenance can improve tenant health and save landlords money in the long run. For example, code enforcement officers can educate property owners on how to make repairs safely and properly via written materials or classes and help identify sources of low-interest loans or grant funding that property owners might use to make repairs and potentially improve housing conditions beyond what is minimally required.

Two policy tools that can help code enforcement officers work cooperatively with property owners are flexible responses and rental rehabilitation assistance programs.

Flexible responses

One tool for promoting cooperative compliance is giving landlords some flexibility on coming into compliance. For example, some localities – like Santa Cruz, CA – issue a warning before issuing a formal notice of violation,²⁴⁰ while others – like Seattle, WA – give inspectors the option to do so.²⁴¹ Localities may also decide to vary the timeline for correcting violations according to the severity of the issue. For example, a property owner may have more time to comply for less serious violations; conversely, repairs may need to happen more quickly for severe habitability violations.

Similarly, localities may provide extensions based on a property owner's demonstrated progress toward making repairs. For example, the Neighborhood Enhancement Action Team (NEAT) in Lansing, MI, which tracks and monitors unsafe and substandard housing, allows monthly fines for noncompliance to be waived if property owners can demonstrate progress toward habitability. NEAT has found the waiver incentive to be effective in reducing the amount of time that property owners take to make repairs.²⁴²

However, localities must balance the flexibility they allow landlords in the process of making housing corrections against the health and safety risks associated with various housing deficiencies. An equitable enforcement approach requires PRI officials to pause

Under the traditional code enforcement model, the property owner is responsible for correcting violations on their own – a process that incentivizes the owner to do the bare minimum to correct a violation.

and ask, “What is the best approach, given the severity of the violation? How serious are the habitability issues in relation to the goal of promoting community health and safety?” When in doubt, a locality should err on the side of the outcome most likely to protect residents’ health.

Rental rehabilitation assistance programs

A second strategy that can help cities shift toward a cooperative compliance model is adopting a rental rehabilitation assistance program to help property owners make improvements. In some instances, low-income property owners may be unable to afford repairs on rental properties. Financial assistance for low-income landlords can help ensure that needed repairs are made. Programs vary in what types of repairs they cover. Some programs include structural alterations and reconstruction; repairs or improvements to plumbing, electrical, or septic systems; and replacement of roofing, floors, or windows. Programs can also focus on specific issues, such as performing emergency repairs, improving energy efficiency, making accessibility improvements for seniors, or addressing lead paint hazards.

One example of an assistance program for repairs is the Residential Rehabilitation Loan Program in San Francisco, CA.²⁴³ This program allows homeowners to take out low-interest loans of up to \$30,000 for single-family homes and \$2,500–\$10,000 per unit for multi-family homes, with a maximum repayment period of 20 years. No more than 20–40% of the loan (depending on whether the home is occupied by the owner) can be used for general improvements, and the rest of the loan must be used to rehabilitate issues of defective physical design or construction; faulty building design; inadequate ventilation, lighting, or sanitation; or dilapidation.

Other examples of rental rehabilitation programs include the Housing Code Enforcement Loan Program in San Francisco, CA,²⁴³ and the Housing Program Support Fund in Seattle, WA.²⁴⁴ More examples of these types of programs can be found on this [resource page](#) from the Center for Community Progress.

4. Developing Cross-Sector or Interagency Coordination and Partnerships

To help with program implementation, localities may decide to build inter-agency or cross-sector partnerships. For example, Boston, MA, has established the Breathe Easy at Home program, which allows third-party reporting of potential housing code violations by health care providers.²⁴⁵ Additionally, medical-legal partnerships (MLPs)²⁴⁶ can integrate health care providers and legal services providers to address patients’ legal problems and improve health outcomes.²⁴⁷ Because housing is a major determinant of health, many MLPs focus on addressing the root cause of health issues caused by a person’s living situation – for example, children’s asthma linked to housing code violations like mold.²⁴⁸ In these cases, MLPs have the effect of expanding the capacity of a code enforcement agency, given that both entities are directing resources toward the same goal of improving housing conditions and public health. The Children’s Law Center in Washington, DC, for instance, identifies landlords who do not maintain their properties and works with partner agencies and organizations to hold them accountable.²⁴⁹

It is also important for localities to coordinate among various inspection departments, such as general building inspectors, rental inspectors, and other public housing inspectors, so that no housing falls between the cracks or ends up being over-inspected. Localities



PRACTICE TIP

Align program eligibility criteria

Many rental rehabilitation assistance programs have competing eligibility criteria, so that using one would disqualify a property owner from using another. Such misaligned criteria can result in some funds being underutilized while housing quality needs in the community go unmet. Localities should examine the criteria of their own programs as well as the criteria of their funding sources and then work to provide as much flexibility as possible, to help property owners access resources.



LEGAL SIDEBAR

Interagency Cooperation and Reporting

Government-employed inspectors bear the responsibility of being not only public-facing employees but also the rare public employees who enter private residences. Inspectors may confront a variety of scenarios, and PRI policies should provide clear guidance and support for complex situations.

For example, depending on state law and the specific circumstances, inspectors may be required or may have discretion to report potential abuse or neglect of children, older adults, or people with disabilities. Like code inspection systems, many of these protective systems have systemic discrimination and disparities built in; for example, Black children and families are disproportionately overreported to child protective services agencies.²⁵⁰

For situations in which reporting may cause harm, PRI policy should consider the harms of over- and underenforcement and use community feedback to

design reporting policies. Reporting suspected instances of undocumented residents to immigration officials can be especially problematic. Such reporting will quickly erode trust between community members and a PRI program. PRI inspectors are tasked with improving housing conditions for tenants regardless of their identity or legal status.

Inspectors may also be required or have discretion to report criminal activity; for instance, inspectors may notice or suspect drug usage by residents with substance use disorders or individuals at high risk for overdose. In these situations, it is highly likely that individuals with substance use disorders would not receive adequate care and support within the criminal justice system. Therefore, reporting drug use or possession to law enforcement should be considered only as a last resort if an inspector determines that residents, especially children, are in imminent danger, or if otherwise required by law.

especially need to coordinate when different departments inspect for different issues (e.g., mold, lead). In Washington, DC, for example, one agency had authority to issue code enforcement violations but could not inspect for mold, while another agency had limited authority to inspect for mold but could not issue citations; and the issue was further complicated because only certain inspectors could perform inspections on public housing.^{237,238} Localities should coordinate their PRI program to ensure coverage of tenants regardless of which avenue they use to enter the city's healthy housing system.

5. Mitigating Harm to Tenants from Enforcement

Localities should work to ensure that enforcement efforts don't result in additional burdens on tenants. Many harms occur in both complaint-based housing code enforcement and PRI programs, and both can be more effectively and equitably implemented when a locality also institutes complementary policies and programs to help mitigate the impacts that enforcement actions can bring. Two common harms to tenants that stem from bringing enforcement actions include pass-through of repair costs and tenant displacement.

Pass-through of repair costs

One common reservation about PRI expressed by tenants and tenant rights groups is that landlords will increase rents to cover their costs of registration, licensing, inspections, and bringing units into compliance. Evidence shows that landlords do factor in expenses – such as management fees, maintenance, repairs, and improvements – when setting rents. However, evidence also shows that landlords often adjust rents in an inequitable manner, deeming properties in areas where people have low income as high-

risk areas, justifying higher rents, even though losses in income from these properties are rare; thus, landlords often squeeze higher profits out of more rent-burdened areas.²⁵¹ The primary way to prevent landlords from setting rents inequitably is adoption of rent control mechanisms.

Where permitted under state law, rent control laws may protect tenants from sharp rent increases by limiting pass-throughs of program fees. For example, in Los Angeles, CA, landlords are permitted to pass registration and inspection fees on to tenants, but if they do so, they must pass the charges along as prorated monthly fees so that tenants can absorb the cost over the course of a year; and as of 2022, landlords are capped at recouping 50 percent of PRI program fees from tenants.²⁵² In addition, while localities with rent control ordinances allow landlords to recoup their capital improvement costs from tenants, they may require that the costs be recovered gradually over a period of time, such as several years.²⁵³

Tenant displacement

Displacement can result from enforcement efforts in the worst-case housing scenarios. Some tenants may be required to relocate temporarily while repairs are completed, while some units may be entirely uninhabitable, resulting in condemnation that requires tenants to relocate permanently. These burdens will be disproportionately felt by tenants with the fewest resources. To avoid shifting this burden of code enforcement solely to tenants, localities should use funded relocation programs. Additionally, in the most egregious cases, tenant displacement may result from landlord retaliation against tenants; for example, a landlord may evict a tenant because the landlord blames the tenant for code complaints and enforcement actions. Policies to protect tenants from retaliation are needed to prevent such abuses.

Funded relocation. Funded tenant relocation assistance programs help ensure that displacement resulting from code enforcement efforts doesn't result in housing instability and homelessness, which have significant negative health impacts.¹⁹⁻²¹ The Tenant Relocation Assistance Program in Los Angeles, CA, for example, entitles a tenant to financial assistance from the property owner to help them find new housing.²⁵⁴ Often, relocation programs provide different levels of funding for temporary and permanent displacement. The amount of funding may also differ according to the length of the tenancy, providing additional compensation to tenants who are being displaced from a home they have lived in for many years.²⁵⁵ The program in Santa Cruz, CA, also gives tenants the right of first refusal, allowing them to return to their previous rental unit once repairs are complete.²⁵⁶ In some instances, owners may be unable or unwilling to pay relocation fees to tenants promptly – or at all. For this reason, and because tenants with low income often lack sufficient assets to move readily, it is critical that localities set aside funds to pay tenants when landlords can't or won't. In Los Angeles, CA, the city may advance relocation costs to tenants who do not receive payment from their landlord and may, in turn, pursue collection from the landlord.²⁵⁷ Municipal relocation ordinances sometimes allow a locality to place a lien on the property to recoup relocation payments from the owner.

Retaliation protections. Retaliation against tenants should be prohibited under PRI programs. For example, the Los Angeles Municipal Code states that if the primary intent of the landlord in seeking to take possession of a rental unit is retaliation for the tenant's or the enforcing agency's (attempted or successful) enforcement of the housing code, and if the tenant is up-to-date with rent, then the landlord cannot take possession of a

Policies to protect tenants from retaliation are needed to prevent abuses.

rental unit or pressure the tenant through intimidation tactics or withholding of services to move out of the unit voluntarily.²⁵⁸

Localities should educate tenants to make them aware of their legal protections. In addition, some localities may choose to dedicate enforcement resources or work with local legal aid organizations to help defend tenants and hold landlords who engage in retaliation accountable.

6. Adopting Complementary Equitable Policies

In addition to the complementary policies discussed earlier in this chapter, other policies related to PRI may help a program achieve its equitable enforcement goals. For example, Boston, MA, has created the Housing Stability Notification Act, which requires landlords to file a copy of any eviction notice with the city.²⁵⁹ While this strategy requires considerable administrative resources, it helps the city monitor whether landlords are complying with housing laws and identify issues, such as a landlord's attempt to proceed with a retaliatory eviction after a PRI inspection or after violations are found.

Because foreclosed homes are more likely to be left vacant or abandoned and fall into disrepair, many localities have enacted foreclosure registries. For example, Los Angeles, CA, requires anyone with a property interest in a foreclosed property to register with the city, and the city regularly inspects such properties to ensure that they are maintained in good condition.²⁶⁰

As discussed previously, the failure to adequately enforce housing codes, among other contributing factors, often leads to tenant displacement and gentrification of a neighborhood. To counter these effects and preserve affordable housing, some localities have created "opportunity to purchase" or "right of first refusal" ordinances to help ensure that properties can be purchased by owners who will use the property for the benefit of the community. For example, San Francisco, CA, has enacted the Community Opportunity to Purchase Act, which gives qualifying nonprofits the first opportunity to purchase any buildings with three or more residential units, or any vacant land that could have such a building developed on it.²⁶¹

Chapter Summary

Enforcement is a critical component of PRI programs. The benefits of PRI programs can only be attained if homeowners and landlords comply with orders to make repairs or rectify housing code violations. This chapter lays out several types of enforcement mechanisms, from punitive options to cooperative ones. It also addresses how localities might conduct equitable enforcement, ensuring that the well-intentioned enforcement mechanisms of PRI programs actually achieve their goals rather than inadvertently exacerbating equity issues. Once a program is up and running, localities may be curious about whether the program is working or how can it be made better. The next chapter covers data management, reporting, and tracking.

CHAPTER 7: Data Management, Reporting & Tracking in PRI Programs

Data management, reporting, and tracking are cornerstones in any well-run PRI program.

The amount and types of reporting and evaluation conducted by your PRI team will depend on program values and priorities, external requirements, funding, and staff capacity. New PRI programs that take steps to establish data management, reporting, and tracking procedures during their program planning and launch phases will garner long-term and compounding benefits from those early efforts. Established PRI programs can also benefit significantly from analyzing and improving their data management, reporting, and tracking practices.

STEP 1: Consider Integrated Technology for Effective Data Management

Technological capabilities are needed to manage, store, and share data on housing inspections and housing conditions within a locality. Incorporating effective technology can be key to running a PRI program, but it can also present a major obstacle in program implementation. Both of these observations are particularly applicable in large jurisdictions that have tens of thousands of properties and, consequently, tens of thousands of inspections.

Two aspects of PRI that could benefit from technological integration are information tracking and inspection scheduling.

Information tracking. While a database capable of storing information collected from rental registries and licensing may be a good start, this information reflects only a small part of the PRI process. To maximize their usefulness, rental registries and licenses should be paired with inspection data and reports to create a property management database that allows a locality to identify all existing rental properties and their general condition, track when inspections are due, and track properties that fail inspections. Additional helpful data for the database might include what violations have been found, when they were found, deadlines for remediation, and whether and when violations were remedied.

Inspection scheduling. In addition to creating a robust property management database, localities should consider technology solutions to aid inspection scheduling and rescheduling, optimize inspection routes to minimize inspectors' time in transit, and assist inspectors in speedily conducting inspections and filing reports. For example, the City of Syracuse has equipped its inspectors with tablet computers that are integrated with the property management database, to improve database management and save time.³⁵ While this integration may be an expensive option, it has the benefit of being customizable for a locality and may be able to meet some of its other housing, planning, and property management needs.

Established PRI programs can also benefit significantly from analyzing and improving their data management, reporting, and tracking practices.

STEP 2: Establish Reporting Practices for Your PRI Program

When creating and operating your PRI program, you will likely be required to report on your program's progress and performance, which in turn requires a process for tracking and evaluating metrics related to relevant program goals. Reporting can be for a variety of audiences: other governmental entities, funders and grant managers, internal program administrators, and the general public. Some reporting practices may be mandated by grant requirements or by law; while voluntary reporting may be needed to provide transparency and public accountability and to promote trust in the program.

PRI programs vary in the frequency of their reporting and the level of detail required:

- Boston, MA, requires an annual report to the city council detailing the activities of the PRI program, including the number of inspections performed each month by various types of inspectors, the total number of violations identified through inspections, the number of exemptions requested and granted, the number of violations cited, the amount of fines levied and collected, and an overall assessment of the program and plans for improvements.¹¹⁸
- Seattle, WA, requires an annual report to the city council that includes an evaluation of properties' registration status (including details about any previously unidentified housing units that have been discovered), property owners' compliance in allowing inspections to be completed within the applicable 60-day timeframe, the results of inspections of properties with a history of violations, whether the program fees actually cover the program costs, the number of inspections that have resulted from complaints, the extent to which the civil warrant process has been used, and any audits and findings on inspections.²⁶²
- Kansas City, MO, requires its city council to review its program provisions and requirements at least every two years to determine whether to maintain, modify, or terminate the program.²⁶³

Reporting is an important tool for transparency, communication, and even enforcement. Publicly reporting on a PRI program's operations helps to explain the benefits of the program and may help to build tenant buy-in and acceptance of the program. Additionally, creating a public database of properties and allowing public access to information on registration and code violations incentivizes rental owners to comply with registration requirements and provides local government and community leaders with additional tools for enforcement and prioritization of resources. For example, Grand Rapids, MI, provides online access to its lists of registered properties, allowing tenants or prospective tenants to easily find out whether properties are registered and whether registered properties have certificates of compliance.⁹⁶ Boston, MA, maintains a searchable online list of problem properties that includes a list of landlords who regularly fail to correct problems.^{264,265}

Reporting can be for a variety of audiences: other governmental entities, funders and grant managers, internal program administrators, and the general public.

STEP 3: Track & Monitor PRI Progress

Data tracking and monitoring practices for PRI programs typically focus on three primary goals: (1) understanding a program's impact and efficacy, to guide improvements; (2) understanding the equity implications of a program's regulatory and enforcement actions; and (3) allowing program stakeholders like landlords and tenants to provide meaningful feedback about the program – a key participatory outlet for building good relationships between PRI program staff and the communities they serve.

PRI program administrators will have to determine which performance areas they wish to measure and evaluate in order to gain a broader understanding of how to improve their program. Due to resource and capacity limitations, PRI programs may have to limit the scope of the indicators they measure and track. Programs may also choose to collect data and information through qualitative sources, like questionnaires and interviews, when budget constraints limit quantitative data collection.

Here are some suggestions for data that your PRI program may wish to track:

Housing Trends in Your Jurisdiction

- Overall number of available rental housing units
- Changes in rental price for similar types of units
- Number of rental housing code violations reported
- Number of rental housing code violations, by type
- Proportion of minor versus severe code violations reported

Health Outcomes Tied to Rental Housing Conditions

- Lead poisoning rates and blood lead levels, particularly for young children
- Child and adult asthma rates
- Locations of emergency service calls throughout the jurisdiction

Administrative Performance of the PRI Program

- Number of inspections conducted
- Number of and reasons for re-scheduled inspections
- Changes in housing code compliance by landlords, such as whether the identification of violations led to greater compliance
- Information on whether code compliance incentives led to quick and effective remediation efforts, such as whether violations were corrected in a timely fashion and were units brought into compliance
- Case follow-up and clearance rates
- Monitoring of equity implications for enforcement actions, such as whether and how many enforcement actions resulted in tenant moveouts
- Satisfaction with the PRI program in terms of interactions and communications with tenants and landlord stakeholders

Allowing program stakeholders like landlords and tenants to provide meaningful feedback about the program is a key participatory outlet for building good relationships between PRI program staff and the communities they serve.

Inspector Performance

- Trainings and certifications completed
- How often inspectors connected residents with other types of social services
- Whether inspectors visited and evaluated an adequate number of rental units within a given timeframe

These data can be broken down further by neighborhood and cross-referenced with other demographic data to inform specific goals for program improvements. Software programs can also be used to assist with data analysis and reporting – for example, by overlaying information collected on an online map.



CASE EXAMPLE

Lead Safe Cleveland Coalition Data Dashboard

An exemplar of data tracking, monitoring, and reporting comes from the [Lead Safe Cleveland Coalition](#). The coalition – a partnership between the city, local institutions, and community-based organizations – provides landlords with loans, grants, and incentives to make properties lead safe through the Lead Safe Home Fund; trains residents and others to inspect for and remediate lead in homes; and educates and engages families, homeowners, and landlords through the Lead Safe Resource Center.¹³² To track, evaluate, and report on all of these activities, the coalition has partnered with The Center on Poverty and Community Development at Case Western Reserve University to develop the [Lead Safe Cleveland Coalition Data Dashboard](#).²⁶⁶ Information on housing conditions in the city is developed through the city's rental inspection program and lead ordinance. Some of the items provided on the dashboard include the following:

- Patterns of lead screening and lead poisoning throughout Cleveland
- Information on patterns and trends in Cleveland's rental market, including rental units [registered with the City of Cleveland](#), evictions, and move-outs
- Information on applications for lead safe certification submitted by landlords to the [Cleveland Department of Building and Housing](#)
- Tracking of loans, grants, and incentives to property owners to lessen the cost of making properties lead safe
- Tracking of community outreach and organizing, resident and landlord education, and lead safe workforce training
- Research briefs, reports, and published manuscripts that provide key information about the lead and housing landscape in the city



PRACTICE TIP

Use data to address inequitable enforcement

Addressing the issues associated with inequitable enforcement calls for creating a policy mechanism that can help right-size enforcement actions in order to help your PRI program avoid the pitfalls of both underenforcement and overenforcement. Your locality can aid equitable enforcement by taking these actions:

- Ensuring that data collection, monitoring, and evaluation are funded along with implementation of the program
- Auditing and analyzing enforcement efforts to make sure that enforcement is working toward the goal of ensuring the health and safety of all residents
- Creating or revising your PRI policy to allow changes to be made in implementation of the program if data

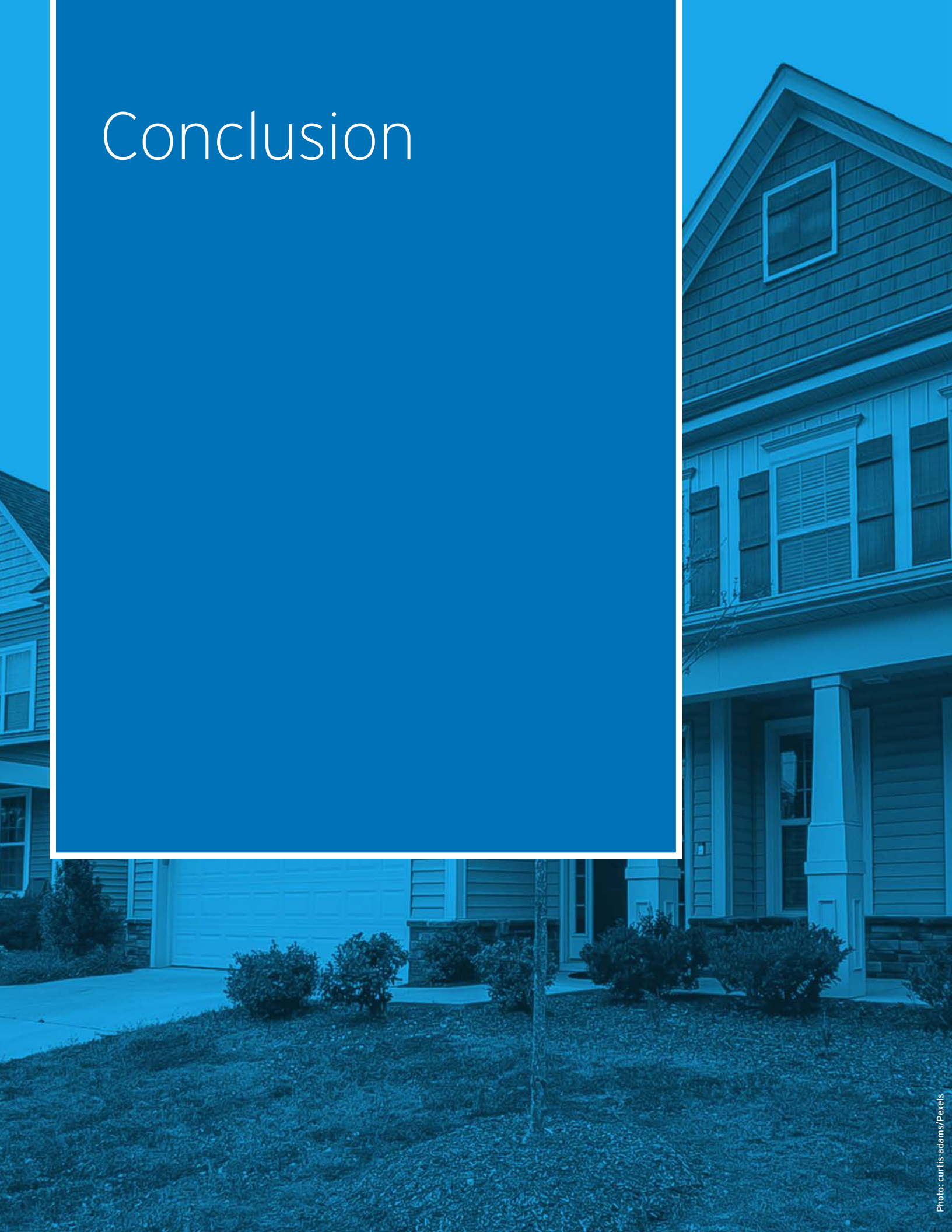
or evaluation shows that the policy is ineffective or is creating or worsening inequities

Ensuring robust data collection from the outset of your PRI program will help your community identify inequitable enforcement outcomes; moreover, the data collected can be published to help further the goals of the program – for example, facilitating more effective community engagement, providing affected populations and advocacy groups with critical information to monitor for harms of under- and overenforcement, and incentivizing rental owners to comply with registration requirements.

Chapter Summary

Localities that are creating a PRI program should prioritize setting up systems and practices for data management, reporting, and tracking. Early investments in data management will deliver considerable value throughout a PRI program's development and implementation phases and will make it much easier for a locality to focus resources where they are most needed, improve operations, and evaluate how their program affects equity for specific communities. PRI program administrators should strongly consider creating a comprehensive database to track all pertinent information about rental properties in their jurisdiction and using technology to optimize the scheduling of property inspections. Different localities will have very different requirements for program reporting to various oversight and funding entities, but PRI program administrators should view reporting as an opportunity to conduct community outreach and promote transparency. The next chapter will conclude this guide by summarizing some of the key points we've made about PRI programs.

Conclusion



Health and housing are tightly connected. To protect residents from an array of housing-related health risks – such as asthma, allergies, lead poisoning, and injury – localities must make sure that local housing stock is well-maintained and in compliance with applicable housing and property maintenance codes. Proactive rental inspection programs can effectively achieve these ends by protecting underserved tenants who often fall through the cracks of a complaint-based system and addressing housing conditions before they become severe, thus preserving vitally needed housing stock. At the same time, PRI programs can benefit landlords and communities by protecting the property values of rental housing and neighboring homes.

PRI programs can be designed in many different ways. The most effective programs will be tailored to the characteristics of local rental housing stock, consider on-the-ground political and resource limitations, anticipate potential challenges in adoption and implementation processes such as working with individual tenants and landlords, work to ensure that communities most affected by substandard housing are engaged, and incorporate broad-based strategies to ensure that local rental housing remains not only safe and healthy but stable and affordable for all tenants.

Proactive rental inspection programs can protect underserved tenants who often fall through the cracks of a complaint-based system.

Acknowledgments

This guide, a revision of ChangeLab Solutions' 2014 publication, was written by Gregory Miao, Vince Young, Wesley Hartman, Cesar De La Vega, Jessica Nguyen, Nadia Rojas, and Patrick Glass. Additional assistance was provided by Tina Yuen, Kimberly Libman, Maya Hazarika Watts, and Sabrina Adler. Editorial and design support was provided by Carolyn Uno and Kim Arroyo Williamson. All are affiliated with ChangeLab Solutions.

This update was informed by additional research and key informant interviews conducted in 2020 and 2021. The authors extend our gratitude to our interviewees for providing valuable information and insights: Jesse Anderson (City of Brooklyn Center, MN); Claudia Correa (City of Boston, MA); Christopher English (City of Boston, MA); Dion Irish (City of Boston, MA); Alex Khoury (City of Santa Cruz, CA); Peter Lemos (City of Sacramento, CA); Kurt Martin (City of Rochester, NY); Kristen Maun (PartnerTulsa, formerly Tulsa Authority for Economic Opportunity, Tulsa, OK); Leonard Merritt (City of Rochester, NY); Kia Shagena (City of Tukwila, WA); Geoff Tallent (City of Seattle, WA); and Kendra Wise (Tulsa Health Department, Tulsa, OK).

A revised version of ChangeLab Solutions' model ordinance establishing a proactive rental inspection program will be published in late 2022. The model ordinance was updated by Gregory Miao, Katie Hannon Michel, and Vince Young.

This guide and the model ordinance were supported by a grant from The JPB Foundation. The views expressed here do not necessarily reflect the views of the funder or the interviewees.

ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

Copyright © 2022 ChangeLab Solutions. Published November 2022.

Design: Black Graphics

Notes

1. Carbado DW, Crenshaw KW, Mays VM, Tomlinson B. Intersectionality: Mapping the movements of a theory. *Du Bois Rev.* 2013;10(2):303-312. doi: 10.1017/S1742058X13000349.
2. Crenshaw K. Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Rev.* 1991;43(6):1241-1299. www.jstor.org/stable/1229039. doi: 10.2307/1229039.
3. Hankivsky O, Reid C, Cormier R, et al. Exploring the promises of intersectionality for advancing women's health research. *International Journal for Equity in Health.* 2010;9(1):5. <https://doi.org/10.1186/1475-9276-9-5>. doi: 10.1186/1475-9276-9-5.
4. The Aspen Institute. 11 terms you should know to better understand structural racism. 2016. www.aspeninstitute.org/blog-posts/structural-racism-definition/. Accessed Sep 20, 2022.
5. Orminski E. Your zip code is more important than your genetic code. *National Community Reinvestment Coalition.* 2021. <https://ncrc.org/your-zip-code-is-more-important-than-your-genetic-code/>. Accessed Sep 20, 2022.
6. Healthbox. Root causes of health. *Healthbox.* 2019. www.healthbox.com/wp-content/uploads/2019/01/Healthbox-Root-Causes-of-Health-Report.pdf.
7. Center for American Progress. Systemic inequality: Displacement, exclusion, and segregation. *Center for American Progress.* 2019. www.americanprogress.org/article/systemic-inequality-displacement-exclusion-segregation/. Accessed Aug 17, 2022.
8. Hahn RA, Truman BI, Williams DR. Civil rights as determinants of public health and racial and ethnic health equity: Health care, education, employment, and housing in the United States. *SSM Popul Health.* 2017;4:17-24. www.ncbi.nlm.nih.gov/pmc/articles/PMC5730086/. Accessed Aug 17, 2022. doi: 10.1016/j.ssmph.2017.10.006.
9. Appel I, Nickerson J. Pockets of poverty: The long-term effects of redlining. 2016. <https://papers.ssrn.com/abstract=2852856>. Accessed Aug 17, 2022. doi: 10.2139/ssrn.2852856.
10. The Central Park Conservancy. Before central park: The story of Seneca Village. 2018. www.centralparknyc.org/articles/seneca-village. Accessed Aug 17, 2022.
11. Institute on Taxation and Economic Policy. Taxes and racial equity: An overview of state and local policy impacts. *ITEP.* 2021. <https://itep.org/taxes-and-racial-equity/>. Accessed Aug 17, 2022.
12. Richardson J, Mitchell BC, Meier HC, Lynch E, Edlebi J. Redlining and neighborhood health. *National Community Reinvestment Coalition.* 2020. <https://ncrc.org/holc-health/>. Accessed Aug 17, 2022.
13. National Center for Healthy Housing. State of healthy housing. *NCHH.* 2020. <https://nchh.org/tools-and-data/data/state-of-healthy-housing/>. Accessed Aug 17, 2022.
14. According to the National Low Income Housing Coalition, the U.S. has a shortage of seven million **rental homes** that are affordable and available to extremely low-income renters. In other words, there are only 37 affordable and available rental homes for every 100 extremely low-income renter households. Aurand A, Emmanuel D, Threet D, Rafi I, Yentel D. The GAP: A shortage of affordable homes. *National Low Income Housing Coalition.* 2021. https://reports.nlihc.org/sites/default/files/gap/Gap-Report_2021.pdf
15. U.S. Department of Health and Human Services. Quality of housing. *Healthy People 2030.* <https://health.gov/healthypeople/priority-areas/social-determinants-health/literature-summaries/quality-housing>.
16. Gielen AC, McDonald EM, Shields W. Unintentional home injuries across the life span: Problems and solutions. *Annu Rev Public Health.* 2015;36(1):231-253. <https://doi.org/10.1146/annurev-publhealth-031914-122722>. doi: 10.1146/annurev-publhealth-031914-122722.
17. Evans GW, Wells NM, Chan HE, Saltzman H. Housing quality and mental health. *J Consult Clin Psychol.* 2000;68(3):526-530. doi: 10.1037/0022-006X.68.3.526.
18. Coley RL, Leventhal T, Lynch AD, Kull M. Relations between housing characteristics and the well-being of low-income children and adolescents. *Dev Psychol.* 2013;49(9):1775-1789. doi: 10.1037/a0031033.
19. Meltzer R. Housing affordability and health: Evidence from New York City. *Housing policy debat.* 2016;26(1):80-104.
20. Sandel M, Sheward R, Ettinger de Cuba S, et al. Unstable housing and caregiver and child health in renter families. *Pediatrics.* 2018;141(2):e20172199. <https://doi.org/10.1542/peds.2017-2199>. Accessed Aug 17, 2022. doi: 10.1542/peds.2017-2199.
21. Padgett DK. Homelessness, housing instability and mental health: Making the connections. *BJPsych Bull.* 2020;44(5):197-201. doi: 10.1192/bjb.2020.49.
22. Jan T. Redlining was banned 50 years ago. It's still hurting minorities today. *Washington Post.* March 28, 2018. Available from: www.washingtonpost.com/news/wonk/wp/2018/03/28/redlining-was-banned-50-years-ago-its-still-hurting-minorities-today/. Accessed Sep 20, 2022.
23. Godoy M. In U.S. cities, the health effects of past housing discrimination are plain to see. *NPR.* November 19, 2020. Available from: www.npr.org/sections/health-shots/2020/11/19/911909187/in-u-s-cities-the-health-effects-of-past-housing-discrimination-are-plain-to-see
24. Townsley J, Andres UM, Nowlin M. The lasting impacts of segregation and redlining. 2021. www.savi.org/2021/06/24/lasting-impacts-of-segregation/. Accessed Sep 20, 2022.
25. Grisso J. Code violations can be double-edged sword for low-income residents. *Matter News.* October 15, 2021. Available from: www.matternews.org/developus/code-violations-can-be-double-edged-sword-for-low-income-residents. Accessed Aug 17, 2022.
26. Asthma and Allergy Foundation of America. Asthma facts and figures. Asthma and Allergy Foundation of America Web site. www.aafa.org/asthma-facts/. Updated 2021.
27. Asthma and Allergy Foundation of America. Asthma disparities in America. Asthma and Allergy Foundation of America Web site. www.aafa.org/asthma-disparities-burden-on-minorities.aspx. Updated 2021.
28. Sampson RJ, Winter AS. The racial ecology of lead poisoning: Toxic inequality in Chicago neighborhoods, 1995-2013. *Du Bois Review: Social Science Research on Race.* 2016;13(2):261-283. <https://www.cambridge.org/core/journals/du-bois-review-social-science-research-on-race/article/racial-ecology-of-lead-poisoning/F39AF4724258606DCC1CDA369DC08707>. Accessed 2022/08/17. doi: 10.1017/S1742058X16000151.
29. Joint Center for Housing Studies of Harvard University. The state of the nation's housing. *Joint Center for Housing Studies of Harvard University.* 2021. www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_State_Nations_Housing_2021.pdf.

30. Ahmad K, Erqou S, Shah N, et al. Association of poor housing conditions with COVID-19 incidence and mortality across U.S. counties. *PLoS One*. 2020;15(11):e0241327. doi: 10.1371/journal.pone.0241327.
31. Fedorowicz M, Schilling J, Bramhall E, Bieretz B, Su Y, Brown KS. Leveraging the built environment for health equity: Promising interventions for small and medium-size cities. *Urban Institute*. 2020. www.urban.org/sites/default/files/publication/102557/leveraging-the-built-environment-for-health-equity_0.pdf.
32. Korfmacher KS, Holt KD. The potential for proactive housing inspections to inform public health interventions. *J Public Health Manag Pract*. 2018;24(5):444-447. doi: 10.1097/PHH.0000000000000757.
33. Yuan M, Lin H, Wu H, Yu M, Tu J, Lü Y. Community engagement in public health: A bibliometric mapping of global research. *Archives of Public Health*. 2021;79(1):6. <https://doi.org/10.1186/s13690-021-00525-3>. doi: 10.1186/s13690-021-00525-3.
34. O'Mara-Eves A, Brunton G, Oliver S, Kavanagh J, Jamal F, Thomas J. The effectiveness of community engagement in public health interventions for disadvantaged groups: A meta-analysis. *BMC Public Health*. 2015;15(1):129. <https://doi.org/10.1186/s12889-015-1352-y>. doi: 10.1186/s12889-015-1352-y.
35. Results for America. Syracuse TOP: Ensuring safe and healthy homes by building strong relationships between tenants, owners, and inspectors. <https://catalog.results4america.org/program/healthy-home-environment-assessments/syracuse-proactive-rental-inspection>. Updated 2021.
36. Centers for Disease Control and Prevention and U.S. Department of Housing and Urban Development. Chapter 3: Housing regulations. In: *Healthy housing reference manual*. Atlanta, GA: US Department of Health and Human Services; 1976.
37. Local government official, Boston, MA, oral communication. March 25, 2021.
38. Local government official, Seattle, WA, oral communication. March 18, 2021.
39. Argo LK. Public roundtable on the department of consumer and regulatory affairs proactive housing inspections program. 2009. https://dcra.dc.gov/sites/default/files/dc/sites/dcra/publication/attachments/DCRA%2520Proactive%2520Housing%2520Inspections%2520Program%2520%252012_16_09.pdf.
40. Oregon Public Health Institute. Rental housing and health equity in Portland, Oregon: A health impact assessment of the city's rental housing inspections program. 2012. [https://ophi.org/download/PDF/RHIP%20HIA_Final%20Report_web\(2\).pdf](https://ophi.org/download/PDF/RHIP%20HIA_Final%20Report_web(2).pdf).
41. Legal Aid of Marin, Human Impact Partners. Marin healthy homes project: A health impact assessment. 2012. <https://humanimpact.org/wp-content/uploads/2017/09/CA-Marin-Healthy-Homes-1.pdf>.
42. Rohr R. Unsafe building in Chinatown prompts tenants' rights campaign. *wbur*. April 23, 2012. Available from: www.wbur.org/news/2012/04/23/tenants-rights. Accessed Aug 17, 2022.
43. Stacy C, Schilling J, Barlow S, et al. Strategic housing code enforcement and public health: A health impact assessment in Memphis, Tennessee. *Urban Institute; Neighborhood Preservation, Inc*. 2018. www.urban.org/sites/default/files/publication/99190/strategic_housing_code_enforcement_and_public_health.pdf.
44. Holden L. Tribune investigation: Erratic code enforcement leaves SLO county renters vulnerable to abuse. *Center for Health Journalism*. December 8, 2020. Available from: <https://centerforhealthjournalism.org/fellowships/projects/tribune-investigation-erratic-code-enforcement-leaves-slo-county-renters>. Accessed Aug 17, 2022.
45. Way HK, Fraser C. Out of order: Houston's dangerous apartment epidemic. *University of Texas School of Law, Entrepreneurship and Community Development Clinic*. 2018. <https://law.utexas.edu/wp-content/uploads/sites/11/2018/02/2018-02-ECDC-FullReport-HoustonApartments.pdf>.
46. Lung-Amam W, Wong B, Carpenter M, Washington A, Murillo-Khadjibaeva J. Housing matters: Ensuring quality, safe, and healthy housing in Langley Park, Maryland. 2019. https://wearecasa.org/wp-content/uploads/2019/10/HOUSING-MATTERS-REPORT_FINAL-1.pdf.
47. Center for American Progress. The pandemic has exacerbated housing instability for renters of color. *Center for American Progress*. 2020. www.americanprogress.org/article/pandemic-exacerbated-housing-instability-renters-color/. Accessed Aug 17, 2022.
48. Kaur H, Saad A, Magwood O, et al. Understanding the health and housing experiences of refugees and other migrant populations experiencing homelessness or vulnerable housing: A systematic review using GRADE-CERQual. *CMAJ Open*. 2021;9(2):E681-E692. doi: 10.9778/cmajo.20200109.
49. Lake J. Preventing and removing barriers to housing security for people with criminal convictions. *Center for American Progress*. 2021. www.americanprogress.org/article/preventing-removing-barriers-housing-security-people-criminal-convictions/.
50. Romero AP, Goldberg SK, Vasquez LA. LGBT people and housing affordability, discrimination, and homelessness. *Williams Institute, UCLA School of Law*. 2020. <https://williamsinstitute.law.ucla.edu/publications/lgbt-housing-instability/>.
51. Turner M, Walker P. Potential impacts of credit reporting public housing rental payment data. *U.S. Department of Housing and Urban Development*. 2019. <https://www.huduser.gov/portal/sites/default/files/pdf/Potential-Impacts-of-Credit-Reporting.pdf>.
52. Lake J, Tupper L. Eviction record expungement can remove barriers to stable housing. *Center for American Progress*. 2021. www.americanprogress.org/article/eviction-record-expungement-can-remove-barriers-stable-housing/.
53. Urban affairs committee meeting. Nebraska State Legislature. January 22, 2019. <https://nebraskalegislature.gov/FloorDocs/106/PDF/Transcripts/Urban/2019-01-22.pdf>
54. Ryu E, Juhn YJ, Wheeler PH, et al. Individual housing-based socioeconomic status predicts risk of accidental falls among adults. *Ann Epidemiol*. 2017;27(7):415-420.e2. www.sciencedirect.com/science/article/pii/S1047279716303477. doi: <https://doi.org/10.1016/j.annepidem.2017.05.019>.
55. National Center for Healthy Housing, American Public Health Association. National healthy housing standard. 2013. www.apha.org/-/media/Files/PDF/factsheets/National_Healthy_Housing_Standard.ashx.
56. Maqbool N, Viveiros J, Ault M. The impacts of affordable housing on health: A research summary. *Center for Housing Policy*. 2015.
57. Schupmann W. How housing quality affects child mental health. Housing Matters Web site. <https://housingmatters.urban.org/articles/how-housing-quality-affects-child-mental-health>. Updated 2017. Accessed Aug 17, 2022.
58. City of Rochester. Lead-based paint poisoning prevention ordinance: Fifteenth year review. 2021. www.cityofrochester.gov/lead/
59. Local Housing Solutions. Rochester's lead-based paint prevention ordinance. <https://localhousingsolutions.org/housing-policy-case-studies/rochesters-lead-based-paint-prevention-ordinance/>. Updated 2022.
60. Monroe County, NY. Blood lead screening data 2007-2019. www.monroecounty.gov/files/health/Lead/2019%20Lead%20Data/2019%20Annual%20Screening%20Data.pdf. Updated 2019.
61. Monroe County, NY. Monroe County children (0-72 months) screened for lead 2006-2018. www.monroecounty.gov/files/health/Lead/2018%20Lead%20Data/2006%20to%202018%20Screening%20Barchart.pdf. Updated 2018.
62. Va. Code § 36-105.1. (1950).
63. ChangeLab Solutions. Up to code: Code enforcement strategies for healthy housing. 2015. www.changelabsolutions.org/product/code
64. Arizona Residential Landlord and Tenant Act. 2018. https://housing.az.gov/sites/default/files/documents/files/Landlord-Tenant-Act-ADOH-Publication-July-2018_0.pdf

65. 33 A.R.S. Chapter 10 (Arizona preempts licensing/registration but not inspection programs entirely) (2018). https://housing.az.gov/sites/default/files/documents/files/Landlord-Tenant-Act-ADOH-Publication-July-2018_0.pdf
66. A.R.S. § 9-1302 (inspections are restricted per this statute). (1956).
67. Ga. Code § 36-74-30. (2020).
68. N.C. Gen Stat § 160A-424. (2014).
69. N.C. Gen Stat § 153A-364. (2013).
70. 11 OK Stat § 11-22-110.1. (2020).
71. TN Code § 6-54-511. (2021).
72. 2017 Wisconsin Act 317. (2018). <https://docs.legis.wisconsin.gov/2017/related/acts/317>
73. Wis. Statutes § 66.0104.
74. Iowa Code § 364.17. (end of chapter 2)
75. Local government official, Brooklyn Center, MN, oral communication. March 30, 2021.
76. Cororaton S. Landlord statistics from the 2018 rental housing finance survey. 2020. www.nar.realtor/blogs/economists-outlook/landlord-statistics-from-the-2018-rental-housing-finance-survey. Accessed Aug 17, 2022.
77. Choi JH, Young C. Owners and renters of 6.2 million units in small buildings are particularly vulnerable during the pandemic. *Urban Institute*. 2020. www.urban.org/urban-wire/owners-and-renters-62-million-units-small-buildings-are-particularly-vulnerable-during-pandemic. Accessed Aug 17, 2022.
78. Syracuse rental registry. Syracuse, New York Web site. www.syrgov.net/rentalregistry.aspx. Updated 2009.
79. Ann Arbor, Mich. Housing Code § 8:516. (1987).
80. Ann Arbor, Mich. Housing Code §8:516(3)(b & c). (1987).
81. Boulder, Colo. Municipal Code § 10-3-8. (2011).
82. Washington, D.C. Housing Code Chapter 14-2. (2012).
83. Baltimore County, Md. code of ordinances § 35-6. (1988).
84. Eau Claire, Wis. Municipal Code § 16.08.160.
85. Lewiston, Me. Municipal Code § 18-200-209 (Lewiston may revoke registration for failure to allow inspections of rental units but does not currently conduct inspections in a proactive manner).
86. Los Angeles, Cal. Municipal Code § 161.352 (\$67.94 per unit per year).
87. San Francisco, Cal. Municipal Code § 110A, Table 1A-P (\$52 per unit then flat fees of \$326-488 or more for apartments of 3-30+ units and flat fees of \$256-660 or more for hotels of 6-200+ units).
88. Seattle, Wash. Municipal Code § 22.900H.020 (\$70 for first unit and \$15 for each additional unit).
89. City of Grand Rapids, Mich. Housing and zoning fee schedule. (2020).
90. City of Santa Cruz, Cal. Planning & community development department fee schedule. (2022). www.cityofsantacruz.com/home/showpublisheddocument/67977/637775159424430000
91. Boston, Mass. Municipal Code § 9-1.3(b), (initial fee of \$25 per unit, and renewal fee of \$15 per unit).
92. Boulder, Colo. Municipal Code § 4-20.18.
93. Rochester, N.Y. Municipal Code § 39-222(C)(1), (\$60 for one unit, \$80 for two units, or \$100 for 3 or more units plus \$10 for each additional unit over 5).
94. College Station, Tex. Code of Ordinances §103-238. (2021).
95. Rental dwellings. Brooklyn Center Web site. www.ci.brooklyn-center.mn.us/government/departments/administration/business-licensing/rental-dwellings.
96. Brooklyn Center, Minn. City Ordinances § 12-901.2.
97. Rental certification program. City of Grand Rapids Web site. www.grandrapidsmi.gov/Government/Programs-and-Initiatives/Rental-Certification-Program. Updated 2022.
98. Executive director of a community-based organization, oral communication. December 7, 2020.
99. Grand Rapids, Mich. Municipal Code §§ 8.220 & 8.222 - 8.223, 901.2.
100. Kansas City, Mo. Code of Ordinances §56-352(b). (2007).
101. Boulder, Colo. Rev. Code of Ordinances § 10-3-3.
102. Boulder, Colo. Municipal Code § 10-3-11 (requiring notification upon change of owner or local agent). (2011).
103. Rose G, Harris R. The three tenures: A case of property maintenance. *Urban Stud*. 2022;59(9):1926-1943. <https://doi.org/10.1177/00420980211029203>. doi: 10.1177/00420980211029203.
104. Wilson R. Grand Rapids will require inspections for renting single-family homes. *mlive*. 10/26/ 2011. Available from: www.mlive.com/news/grand-rapids/2011/10/grand_rapids_will_require_insp.html. Accessed Aug 17, 2022.
105. City of Sacramento Division of Housing and Dangerous Buildings. Report to council - proposed residential rental housing inspection pilot program. 2006. http://sacramento.granicus.com/Viewer.php?meta_id=67355&view=&showpdf=1.
106. Sacramento, Cal. City Code § 8.120. (2008).
107. Kansas City, Mo. Code of Ordinances § 56-357. (2007).
108. The Fair Housing Act, 42 U.S.C. 3601 et seq.
109. U.S.C.A. Const. Amend. XIV. Several states and localities have enacted mirroring legislation to the fair housing act that may provide for even greater protection and enforcement against discrimination. See, e.g., Conn. Gen. Stat. Ann. § 46a-64c (2013); Cal. Govt. Code § 12955 (2013).
110. Courts have permitted at least two anti-discrimination lawsuits to proceed against localities for their targeting practices. See 2922 Sherman Ave. Tenants' Ass'n v. Dist. of Columbia, 444 F.3d 673, 687 (D.C. Cir. 2006) (disparate treatment theory).

111. Gallagher v. Magner, 619 F.3d 823, 845 (8th Cir. 2010) (disparate impact theory).
112. Los Angeles, Cal. Housing Code § 161.301 (exempting dwelling units within a condominium or nonprofit stock cooperative). (2000).
113. San Francisco, Cal. Housing Code § 301(a). (2019).
114. Seattle, Wash. Municipal Code § 22.214.040. (2010).
115. Grand Rapids, Mich. Municipal Code § 901.2 (within title VIII, chapter 140: Property maintenance code). (2012).
116. City of Grand Rapids. Supporting the long-term sustainability of housing and neighborhoods in Grand Rapids. 2010. www.crestongr.com/media/2011/01/SF-Housing-Synopsis-FINAL1.pdf
117. Seattle, Wash. Municipal Code §§ 22.214.020 & 030.
118. Boston, Mass. Municipal Code § 9-1.3.
119. Syracuse, N.Y. Municipal Code §§ 27-19, 130, 131.
120. Rochester, N.Y. Municipal Code § 90-16.
121. Seattle, Wash. Municipal Code § 22.214.030.
122. Center on Budget and Policy Priorities. Comparison between section 8 voucher reform act (SEVRA 2010), affordable housing and self-sufficiency improvement act (AHSSIA) and current law. 2012. www.cbpp.org/sites/default/files/atoms/files/5-10-12-SEVRA-AHSSIA-CurrentLaw-Comparison.pdf.
123. Seattle, Wash. Municipal Code § 22.214.050(A).
124. Seattle, Wash. Municipal Code § 22.214.030(A)(4).
125. Bureau of Housing Inspection. State of New Jersey Department of Community Affairs Web site. www.nj.gov/dca/divisions/codes/offices/housinginspection.html. Updated 2022.
126. All events list. Los Angeles Housing Department Web site. <https://housing.lacity.org/all-events-list>. Updated 2021. Accessed Aug 17, 2022.
127. Rental housing inspection program. City of Sacramento - Community Development Web site. www.cityofsacramento.org/community-development/code-compliance/programs/rental-housing. Updated 2022.
128. Boston home center classes. City of Boston Web site. www.boston.gov/departments/housing/boston-home-center/boston-home-center-classes. Updated 2022.
129. Landlord counseling. City of Boston Web site. www.boston.gov/housing/landlord-counseling. Updated 2022.
130. Housing education workshops. City of Boston Web site. www.boston.gov/departments/neighborhood-development/office-housing-stability/housing-education-workshops. Updated 2021.
131. Landlord university. City of Kansas City, Missouri Web site. www.kcmo.gov/city-hall/departments/neighborhoods-housing-services/tenant/landlord-university-1064.
132. About the coalition. Lead Safe Cleveland Coalition Web site. <https://leadsafecle.org/about-coalition>. Accessed Sep 20, 2022.
133. Smith A. Cleveland clinic and city of Cleveland announce donation to lead safe Cleveland coalition. Cleveland Clinic Newsroom Web site. <https://newsroom.clevelandclinic.org/2022/01/13/cleveland-clinic-and-city-of-cleveland-announce-donation-to-lead-safe-cleveland-coalition/>. Updated 2022. Accessed Sep 20, 2022.
134. Los Angeles, Cal. Municipal Code § 161.602 (specifying inspection by city department).
135. San Francisco, Cal. Housing Code § 303(a) (specifying inspection by city). (2019).
136. Boulder, Colo. Rev. Code of Ordinances § 10-3-7(b)(1).
137. Baltimore County, Md. Code of Ordinances § 35-6-107(b).
138. Seattle, Wash. Municipal Code §§ 22.214.050 & 22.214.060.
139. Boston, MA Municipal Code § 9-1.3(a).
140. City of Pasco v. Shaw, 161 Wash. 2d 450, 166 P.3d 1157 (2007).
141. Better Lead Policy. Proactive rental inspection roadmap summary Rochester case study. www.betterleadpolicy.org/casestudies/proactive-rental-inspection-roadmap-summary-rochester-case-study/. Updated 2020.
142. Johnson C. Environmental health watch: Partners for systemic change. 2022. www.policymattersohio.org/blog/2022/04/22/environmental-health-watch-partners-for-systemic-change. Accessed Aug 17, 2022.
143. Sacramento, Cal. Municipal Code § 8.120.150.
144. Sacramento, Cal. Municipal Code §§ 8.120.150, 8.120.160 & 8.120.180.
145. Code enforcement outreach program. City and County of San Francisco Department of Building Inspection Web site. <https://sfdbi.org/ceop>.
146. Spitzer HD. Taxes vs. fees: A curious confusion. *Gonzaga law review*. 2003;38(2):335. <https://blogs.gonzaga.edu/gulawreview/files/2011/02/Spitzer.pdf>.
147. League of California Cities. Propositions 26 and 218 implementation guide. *Default*. 2021. www.calcities.org/resource/propositions-26-and-218-implementation-guide
148. Koscinski K. Landlord groups challenge Pittsburgh's forthcoming rental inspection program. 90.5 WESA. March 17, 2022. Available from: www.wesa.fm/courts-justice/2022-03-17/landlord-groups-challenge-pittsburghs-forthcoming-rental-inspection-program. Accessed Aug 17, 2022.
149. Felton J. Apartment association of metropolitan Pittsburgh sues city over rental registry. *TribLIVE.com*. March 17, 2022. Available from: <https://triblive.com/local/apartment-association-of-metropolitan-pittsburgh-sues-city-over-rental-registry/>. Accessed Aug 17, 2022.
150. U.S. Department of Housing and Urban Development Community Planning and Development. Use of CDBG funds for code enforcement activities. 2014. www.hud.gov/sites/documents/14-16CPDN.PDF.
151. FY 2022 lead hazard reduction grant program. U.S. Department of Housing and Urban Development Web site. www.hud.gov/program_offices/spm/gmomgmt/grantsinfo/fundingopps/fy221hr.
152. City of New York Community Development Block Grant Program. Proposed consolidated plan: Annual performance report 2020, volume III. 2020. www1.nyc.gov/assets/operations/downloads/pdf/consolidated-plan/2020-caper-appendices.pdf.
153. Health Management Associates, Green & Healthy Homes Initiative. Potential Medicaid strategies to improve services to children at risk of lead exposure. 2020. www.greenandhealthyhomes.org/publication/potential-medicaid-strategies-to-improve-services-to-children-at-risk-of-lead-exposure/.
154. Local government official, Tukwila, WA, oral communication. March 29, 2021.

155. St. Louis, Mo. Ordinance # 69202. (2012).
156. Sacramento, Cal. Municipal Code § 8.120.090 (requiring that the city shall serve written notice to the owner and the local contact representative and shall mail a copy of the inspection notice to the rental housing units on the property).
157. Los Angeles, Cal. Municipal Code § 161.602.2 (requiring that the general manager give written notice to the owner and the tenants. notice to the tenants may be mailed or posted in the public area of the premises).
158. Los Angeles, Cal. Municipal Code § 161.604 (requiring that the city shall provide written notice to the occupant in each unit that an inspection occurred, including a telephone number and address where the occupant can get further information about the inspection).
159. Felton J. Pittsburgh city council creates fund to support new lead safety ordinance. *TribLIVE.com*. May 31, 2022. Available from: <https://triblive.com/local/pittsburgh-city-council-creates-fund-to-support-new-lead-safety-ordinance/>. Accessed Aug 17, 2022.
160. City of Syracuse Division of Code Enforcement. Rental property inspections: Registration requirements and property maintenance guide. http://syrgov.net/uploadedFiles/Departments/Codes_Enforcement/Content/RentalPropertyInspectionsGuide.pdf
161. National Center for Healthy Housing. Relationship between interior problems and exterior problems based on the American Housing Survey – 2009 national data for occupied housing. 2009. https://nchh.org/resource-library/Interior_and_Exterior_2009_National.pdf.
162. Robb K. Hiding in plain sight. *Data-Smart City Solutions*. 2021. <https://datasmart.ash.harvard.edu/news/article/hiding-plain-sight>.
163. The Lab @DC. Can we predict housing code violations? <https://thelabprojects.dc.gov/housing-code-violations>.
164. San Francisco, Cal. Housing Code § 303(a). (2019).
165. Sacramento, Cal. Municipal Code § 8.120.080(B).
166. Seattle, Wash. Municipal Code § 22.214.050(G)(1).
167. Los Angeles, CA Housing Code § 161.353.
168. Baltimore County, Md. Code of Ordinances §§ 35-6-107, 35-6-108.
169. Ann Arbor, Mich. Municipal Code § 8:511(1)(a).
170. Grand Rapids, Mich. Municipal Code § 8.504.
171. Kansas City, Mo. Code of Ordinances § 56-362. (2007).
172. Grand Rapids, Mich. Municipal Code § 8.504.1000.3.
173. Boulder, Colo. Municipal Code §§ 10-3-5, 10-3-7 & 10-3-10.
174. *Camara v. Municipal Court of City & County of San Francisco*, 387 U.S. 523, 537 (1967) (quoting *Frank v. Maryland*, 359 U.S. 360, 372 (1959)).
175. *Camara v. Municipal Court of City & County of San Francisco*, 387 U.S. at 535 (1967).
176. *Id.* at 528-529.
177. Los Angeles, Cal. Municipal Code § 161.601.
178. City of Sacramento Rental Housing Inspection Program. Tenant consent to inspect rental housing units. 2012. www.cityofsacramento.org/-/media/Corporate/Files/CDD/Code-Compliance/Programs/Rental-Housing/RHIPTenantConsent2-7-2012.pdf?la=en.
179. Antioch, Cal. Municipal Code § 5-20.205 (allocating the costs of obtaining a warrant to the property owner).
180. The U.S. Supreme Court, in a challenge to a San Francisco housing inspection program, clarified that administrative searches, such as routine housing inspections, do not require the same showing of particular probable cause to validate an inspection warrant as required with a criminal search warrant. Instead, any reasonable legislative program or standards that clarify why a unit is subject to inspection will satisfy the “cause” requirement of an administrative warrant *Camara v. Municipal Court of City & County of San Francisco*, 387 U.S. 523, 538-39 (1967) (“[I]t is obvious that ‘probable cause’ to issue a warrant to inspect must exist if reasonable legislative or administrative standards for conducting an area inspection are satisfied with respect to a particular dwelling. such standards, which will vary with the municipal program being enforced, may be based upon the passage of time, the nature of the building (e.g., a multifamily apartment house), or the condition of the entire area, but they will not necessarily depend upon specific knowledge of the condition of the particular dwelling.”).
181. Some states may have particular statutes addressing the requirements. see, e.g., Cal. Code of Civ. Pro. § 1822.52 (California has enacted into law this reduced cause showing for administrative warrants).
182. N.C. Gen. Stat. Ann. § 160A-424(a) (narrowly defining “reasonable cause” for the purpose of preemption).
183. Aiken C, Reina VJ, Culhane DP. Understanding low-income Hispanic housing challenges and the use of housing and homelessness assistance. *Cityscape (Washington, D.C.)*. 2021;23(2):123-
184. Postlethwaite A, Kellett S, Mataix-Cols D. Prevalence of hoarding disorder: A systematic review and meta-analysis. *J Affect Disord*. 2019;256:309-316. www.sciencedirect.com/science/article/pii/S0165032719301521. doi: <https://doi.org/10.1016/j.jad.2019.06.004>.
185. Kysow K, Bratiotis C, Lauster N, Woody SR. How can cities tackle hoarding? Examining an intervention program bringing together fire and health authorities in Vancouver. *Health & social care in the community; Health Soc Care Community*. 2020;28(4):1160-1169. doi: 10.1111/hsc.12948.
186. Guerra S, Sousa L, Ribeiro O. Report practices in the field of animal hoarding: A scoping study of the literature. *J Ment Health*. 2021;30(5):646-659. doi: 10.1080/09638237.2020.1844872.
187. Dubey S, Biswas P, Ghosh R, et al. Psychosocial impact of COVID-19. *Diabetes Metab Syndr*. 2020;14(5):779-788. doi: S1871-4021(20)30154-5.
188. Lacombe MC, Cossette B. The role of public health in the development of a collaborative agreement with rural and semi-urban partners in cases of severe domestic squalor and hoarding. *Community Ment Health J*. 2018;54(6):766-772. doi: 10.1007/s10597-017-0192-x.
189. Millen AM, Levinson A, Linkovski O, et al. Pilot study evaluating critical time intervention for individuals with hoarding disorder at risk for eviction. *PS*. 2020;71(4):405-408. <https://doi.org/10.1176/appi.ps.201900447>. doi: 10.1176/appi.ps.201900447.
190. Cal. Govt. Code § 53069.4.
191. Ga. Code Ann. § 8-2-26.
192. Ga. Code Ann. § 36-74-50.
193. Los Angeles, Cal. Housing Code § 161.805.1.
194. Syracuse, N.Y. Municipal Code §§ 27-184, et. seq.

195. Boulder, Colo. Municipal Code § 10-3-16.
196. Grand Rapids, Mich. Municipal Code § 103.5.1.
197. Mich. Comp. Laws §§ 600.8727 & 600.8731 (allowing municipality to record a lien if property owner has not paid fines or fees after 30 days).
198. Rao J. The other foreclosure crisis: Property tax lien sales. *National Consumer Law Center*. 2012. www.nclc.org/images/pdf/foreclosure_mortgage/tax_issues/tax-lien-sales-report.pdf
199. Kahrl AW. Investing in distress: Tax delinquency and predatory tax buying in urban America. *Critical sociology*. 2017;43(2):199-219. doi: 10.1177/0896920515598565.
200. Baltimore County, Md. code of ordinances § 35-6-110 (allowing the denial, suspension, and revocation of rental license).
201. Los Angeles, Cal. Municipal Code § 162.07.B.
202. Los Angeles, Cal. Municipal Code Chapter XVI housing regulations, Article 2, Rent Escrow Account Program (REAP). (2001).
203. Detroit, Mich. Municipal Code § 8-15-82(d) (rent escrow account specifically for tenants living in properties lacking a certificate of compliance).
204. Seattle, Wash. Municipal Code § 22.214.705.
205. Anne Arundel County, Mich. County Code § 11-10-102.
206. McDaniel v. Baranowski, 419 Md. 560 (Md. App. 2011) (prohibiting unlicensed landlord from evicting tenant for nonpayment of rent), cf. Velicky v. Copycat Building LLC, 476 Md. 435, (Md. App. 2021) (permitting unlicensed landlord to proceed with eviction of holdover tenant).
207. NYC Office of the Mayor. Mayor Adams announces lawsuit against landlord on NYC's. The official website of the City of New York Web site. www1.nyc.gov/office-of-the-mayor/news/173-22/mayor-adams-lawsuit-against-landlord-nyc-s-worst-landlord-watchlist. Updated 2022. Accessed Aug 17, 2022.
208. Sacramento, Cal. Municipal Code § 8.120.200.
209. 55 Ill. Comp. Stat. 5/5-1113.
210. City of Syracuse v. Barbuto, 500 N.Y.S.2d 625 (1986).
211. Tex. Local Gov't Code § 54.001.
212. Costa v. City of Allentown, 153 A. 3d 1159 (Pa. Commw. ct. 2017) (citing Mastrangelo v. Buckley, 433 Pa. 352 (Pa. 1969)).
213. 56 Am. Jur. 2d Municipal Corporations § 376. (2010).
214. Fort Worth, Tex. Code of Ordinances § 7-416.
215. Kreit A. The decriminalization option: Should states consider moving from a criminal to a civil drug court model? *University of Chicago Legal Forum*. 2010;2010(11). <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1463&context=ucf>.
216. Lofstrom M, Raphael S. Crime, the criminal justice system, and socioeconomic inequality. *Journal of Economic Perspectives*. 2016;30(2):103-26. www.aeaweb.org/articles?id=10.1257/jep.30.2.103. doi: 10.1257/jep.30.2.103.
217. Brunson RK. "Police don't like black people": African-American young men's accumulated police experiences. *Criminology & Public Policy*. 2007;6(1):71-101. doi: <https://doi.org/10.1111/j.1745-9133.2007.00423.x>.
218. Schuck AM, Rosenbaum DP, Hawkins DF. The influence of race/ethnicity, social class, and neighborhood context on residents' attitudes toward the police. *Police Quarterly*. 2008;11(4):496-519. doi: 10.1177/1098611108318115.
219. Bailey ZD, Krieger N, Agénor M, Graves J, Linos N, Bassett MT. Structural racism and health inequities in the USA: Evidence and interventions. *Lancet*. 2017;389(10077):1453-1463. doi: S0140-6736(17)30569-X.
220. Gase LN, Glenn BA, Gomez LM, Kuo T, Inkelas M, Ponce NA. Understanding racial and ethnic disparities in arrest: The role of individual, home, school, and community characteristics. *Race and Social Problems*. 2016;8(4):296-312. <https://doi.org/10.1007/s12552-016-9183-8>. doi: 10.1007/s12552-016-9183-8.
221. Los Angeles, Cal. Housing Code § 161.704.5.
222. Cities for Responsible Investment and Strategic Enforcement. The power & proximity of code enforcement: A tool for equitable neighborhoods. 2019. https://hesterstreet.org/wp-content/uploads/2019/07/CR_Phase-I_Equitable-Code-Enforcement-report_FINAL-JUNE-2019.pdf.
223. Baker C. After 2 years, Syracuse's new blight fighting agency is open. *syracuse.com*. April 9, 2019. Available from: www.syracuse.com/news/2019/04/after-2-years-syracuses-new-blight-fighting-agency-is-officially-up-and-running.html. Accessed Aug 17, 2022.
224. Lebowitz J, Augustine N, Patterson K. Housing code enforcement: A case study of Dahlgreen courts. *Office of the District of Columbia Auditor*. 2018. <http://dcauditor.org/wp-content/uploads/2018/09/DCRA.Dahlgreen.Courts.9.24.18.pdf>.
225. District of Columbia Office of the Inspector General. Department of consumer and regulatory affairs: Civil infractions program lacked a strong internal control environment. 2019. <https://oig.dc.gov/reports/inspection-and-evaluation-reports/dcras-civil-infractions-program-lacked-strong-internal>.
226. Boston, Mass. Municipal Code § 9-9.6 (authorizing the inspectional services department to establish administrative units as necessary).
227. Inspectional services contacts – housing. City of Boston Web site. www.boston.gov/departments/inspectional-services/inspectional-services-contacts#housing. Updated 2022.
228. ChangeLab Solutions. Equitable enforcement to achieve health equity: An introductory guide for policymakers and practitioners. 2020. www.changelabsolutions.org/product/equitable-enforcement-achieve-health-equity.
229. Holmes J, Merchant K, Hemley E. The racial justice institute: Bringing a race equity lens to legal services advocacy. *MIE Journal*. 2018;22(1):46-50. www.masslegalservices.org/content/racial-justice-institute-bringing-race-equity-lens-legal-services-advocacy.
230. Way HK, Judd A, Willis O. Ousted: The city of San Antonio's displacement of residents through code enforcement actions. *The University of Texas at Austin Entrepreneurship and Community Development Clinic*. 2021. <https://law.utexas.edu/wp-content/uploads/sites/11/2021/11/2021-ECDC-CodeEnforcement-SA-Report.pdf>.
231. Martin BA. *Code enforcement activity and impact in Austin, TX's gentrifying neighborhoods*. The University of Texas at Austin; 2019.
232. Balko R. Code snitching: Nashvillians are weaponizing metro codes against 'Undesirable' neighbors. *Nashville Scene*. July 28, 2022. Available from: www.nashvillescene.com/news/coverstory/code-snitching-nashvillians-are-weaponizing-metro-codes-against-undesirable-neighbors/article_5e94bd56-0c67-11ed-af4e-e3d04ad7e500.html. Accessed Sep 20, 2022.
233. Decker N. The uneven impact of the pandemic on the tenants and owners of small rental properties. *Turner Center for Housing Innovation at UC Berkeley*. 2021. <https://turnercenter.berkeley.edu/blog/impact-pandemic-small-rental-properties/>.

234. Balzarini J, Boyd ML. Working with them: Small-scale landlord strategies for avoiding evictions. *Housing Policy Debate*. 2021;31(3-5):425-445. <https://doi.org/10.1080/10511482.2020.1800779>. doi: 10.1080/10511482.2020.1800779.
235. Elora LR, Duckworth R, Miller B, Lucas M, Pokharel S. From foreclosure to eviction: Housing insecurity in corporate-owned single-family rentals. *Cityscape (Washington, D.C.)*. 2018;20(3):159-188.
236. Lemire E, Samuels EA, Wang W, Haber A. Unequal housing conditions and code enforcement contribute to asthma disparities in Boston, Massachusetts. *Health Aff*. 2022;41(4):563-572. <https://doi.org/10.1377/hlthaff.2021.01403> doi: 10.1377/hlthaff.2021.01403.
237. Zeisel K. Testimony before the District of Columbia Council Committee of the Whole. 2019. <https://childrenslawcenter.org/wp-content/uploads/2021/07/Zeisel-OIG-DOB-Testimony-Before-the-District-of-Columbia-Council-12.10.19-final.pdf>.
238. Mellen B, Christidis EP. Testimony before the Committee of the Whole Council of the District of Columbia Budget Oversight Hearing regarding the Department of Buildings. 2022. <https://www.legalaiddc.org/media/273/download>
239. Holden L. Tribune investigation: Inspections protect renters from slumlords. Why did SLO's program die? *The Tribune*. December 17, 2020. Available from: www.sanluisobispo.com/news/local/article247410320.html.
240. Santa Cruz, Cal. Municipal Code § 21.06.070 C.
241. Seattle, Wash. Municipal Code § 22.214.080.B.
242. Local government official, Lansing, MI, email communication. September 11, 2013.
243. San Francisco, Cal. Municipal Code Chapter 40 (housing code enforcement loan program).
244. Seattle, Wash. Municipal Code § 22.220.100.
245. Reid M, Fiffer M, Gunturi N, Ali A, Irish D, Sandel M. Breathe easy at home: A web-based referral system linking clinical sites with housing code enforcement for patients with asthma. *J Environ Health*. 2014;76(7):36-39.
246. Homepage. National Center for Medical Legal Partnership Web site. <https://medical-legalpartnership.org/>. Updated 2022.
247. Hernández D. "Extra oomph:" Addressing housing disparities through medical legal partnership interventions. *Hous Stud*. 2016;31(7):871-890. doi: 10.1080/02673037.2016.1150431.
248. Beck AF, Huang B, Chundur R, Kahn RS. Housing code violation density associated with emergency department and hospital use by children with asthma. *Health Aff (Millwood)*. 2014;33(11):1993-2002. doi: 10.1377/hlthaff.2014.0496.
249. Healthy housing. DC's Children's Law Center Web site. <https://childrenslawcenter.org/our-impact/health/healthy-housing/>. Updated 2022.
250. Our systems meant to help are hurting black families. National Institute for Children's Health Quality Web site. www.nichq.org/insight/our-systems-meant-help-are-hurting-black-families. Updated 2022.
251. Desmond M, Wilmers N. Do the poor pay more for housing? Exploitation, profit, and risk in rental markets. *American Journal of Sociology*. 2019;124(4):1090-1124. <https://doi.org/10.1086/701697>. doi: 10.1086/701697.
252. Los Angeles, Cal. Municipal Code § 151.05.1.
253. San Francisco, Cal. Municipal Code §§ 37.3(a)(3) & 37.7.
254. Los Angeles, Cal. Municipal Code § 163.02.
255. Los Angeles, Cal. Municipal Code §§ 151.09.G. & 163.05.
256. Santa Cruz, Cal. Municipal Code § 21.03.030.
257. Los Angeles, Cal. Municipal Code § 163.07.
258. Los Angeles, Cal. Municipal Code § 161.1201.
259. Boston, Mass. Municipal Code §§ 10-11.1 et seq.
260. Los Angeles, Cal. Municipal Code §§ 164.00 et. seq.
261. San Francisco Mayor's Office of Housing and Community Development. Community opportunity to purchase act (COPA). City and County of San Francisco, CA Web site. <https://sf.gov/information/community-opportunity-purchase-act-copa>. Updated 2022.
262. Seattle, Wash. Ordinance No. 124011, § 17.
263. Kansas City, Mo. code of ordinances § 56-376.
264. Boston, Mass. Municipal Code § 9-1.3(g).
265. Problem properties in Boston. City of Boston Web site. www.boston.gov/government/cabinets/operations-cabinet/problem-properties-boston. Updated 2022.
266. Lead safe research. Jack, Joseph, and Morton Mandel School of Applied Social Sciences, Case Western Reserve University Web site. <https://case.edu/socialwork/povertycenter/our-work/lead-safe-research>. Updated 2022.