

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

Implementation Guide

by

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for the

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**National Center for
HEALTHY HOUSING**

Introduction

The Technical Assistance for Code Transformation and Innovation Collaborative (TACTIC) project was implemented in 2019-2020 by the National Center for Healthy Housing (NCHH) with funding from the Michigan Department of Health and Human Services.

After carefully analyzing their respective ordinances, NCHH published a series of individual reports for six Michigan cities (Battle Creek, Bay City, Detroit, Flint, Grand Rapids, and Muskegon) and the state as a whole about how to use local housing codes to prevent exposure to lead paint hazards proactively. While the individual reports were built around the capacities and situations of the specific cities, the general recommendations can be adopted by any city looking to improve their local housing codes. This implementation guide will help other cities and advocates identify how to apply the recommendations laid out in the TACTIC reports to their own cities and describe some best practices for adopting these or similar recommendations.

Section One: Understanding Your City

Understanding What Your Codes Include

For the most comprehensive understanding of how your city's codes do and do not align with models, we suggest using the Code Comparison Tool (bit.ly/NCHH_CCT) developed by NCHH. This tool allows you to compare your local codes with both the IPMC and the National Healthy Housing Standard (bit.ly/AboutNHHS) by answering a checklist of questions about what your code covers. We encourage everyone using the tool to complete the whole thing, as it covers many aspects of healthy housing including ventilation, injury prevention, moisture control, and others; however, the questions pertaining to lead hazards can be found in Section E (Chemical Hazards – Building Products). The Code Comparison Tool will generate a list of the standards that your code already includes as well as a list of standards that are missing.

Understanding How Your Code Program Operates

While the Code Comparison Tool (or any comparison of the code's plain language) will provide an understanding of what the code covers, it won't explain how well any codes program is being enforced or what the city's capacity for enforcement is. To fully understand your city's situation, you should answer the following questions. If you are located within the city, this will be information you already have; if you are working within the community, you may have to interview city staff or review city reports to obtain this information.

Program structure/capabilities

- What training do code inspectors complete? Does the curriculum cover how to identify paint condition?
- Is there a schedule of inspections?
- How long does a code inspection take for a housing unit (on average)?
- How many code inspectors are employed, and how many units do they inspect per day (on average)?
- How long does a case remain open (on average)?

City capacity

- How many housing units are covered by the code, and how many receive scheduled code inspections?
- How many of these units contain children under six years of age (if known)?
- How many of these units are single-family, two-unit owner-occupied, two-unit absentee-owned, and three or more units?

Compliance

- How do property owners comply with code requirements *before* a complaint is lodged?
- Of the units inspected for compliance with the code, how many have violations?
- If they have violations, what percentage of landlords comply without appeal?
- For units with code violations pertaining to deteriorated paint, how long does it take a typical landlord to comply?
- What percentage of landlords choose to go to court to contest the notice of violations?
- What does your quality assurance process for repair compliance include?

Section Two: Understanding the Recommendations

The key recommendations included in the TACTIC reports are described below. While each city is different, these recommendations assume that the city has no existing lead hazard requirement aside from a potential visual inspection for deteriorated paint. They also assume that the city either has a proactive rental inspection system in place, is developing one, or is interested in strengthening their rental regulations to be more proactive. (For more information about the elements of building a PRI program, see bit.ly/NCHHpubsPRI). By going through these recommendations and the accompanying explanations about methods, you

should be able to assemble recommendations for your own city. Note that homes built after 1978 can be excluded from the proposed requirements.

1. Require testing of deteriorated lead paint and dust as part of the certificate of compliance or similar rental occupancy requirement to determine actual risk of lead hazards (or require a full risk assessment). Visually examining paint is insufficient, because the lead content of deteriorated paint and dust cannot be seen by the naked eye.
2. Change the existing housing code language to require remediation of deteriorated lead-based paint using lead-safe work practices and clearance dust testing in all pre-1978 rental units in which young children reside, are expected to reside, or could reside or visit. Such testing is most important in homes occupied by children under six years of age and/or pregnant women. The dust testing should comply with the [recent lead dust guidance values](#) established by the U.S. Department of Housing and Urban Development for its lead hazard control grantees.

Explanation: Lead-safe work practices (in brief) involve occupant and worker protection, containment, use of wet methods during paint removal to minimize dust emission, and use of durable new paint (or other coatings, enclosures, or building component replacements), followed by specialized cleanup methods and clearance dust testing to ensure cleaning has been adequate.

Dust testing is also an important part of this recommendation because there may be units with no visible deteriorated paint but that still contain lead dust hazards as a result of addressing deteriorated paint without following lead-safe work practices during renovation or cleanup. Dust testing is a relatively simple procedure carried out across a measured surface area on floors and windowsills, but the testing must be performed by trained and certified personnel and requires laboratory analysis.

There are multiple ways that cities have chosen to require and conduct paint and dust testing. For example, Rochester, NY, does not require paint testing, but presumes that all deteriorated paint contains lead and requires lead-safe work practices for all deteriorated paint. Other cities, including Detroit, require lead risk assessments, which measure lead content in deteriorated paint, dust, and soil. Regardless of the exact model a city chooses to follow, the important elements are *identifying lead hazards* and *requiring that hazards be addressed safely*.

There are two methods of measuring lead in paint:

- i. Careful collection of all layers of paint from deteriorated surfaces, followed by laboratory analysis accredited under the EPA National Lead Laboratory Accreditation program; or

- ii. On-site analysis using portable x-ray fluorescence (XRF) lead paint analyzers.

Either method is acceptable. Paint chip collection has lower up-front costs but can be tedious and removes paint from a surface that must be sealed following collection. XRFs have a higher up-front cost but yield immediate results and do not involve destructive paint chip sampling.

3. Increase the number of housing code inspectors. Because dust and paint testing will take about an hour per home, the number of housing code inspectors should be increased.

Explanation: Each city will need to estimate their own budget and staff needs based on current capacity and the requirements of the program they are planning to implement. For the cities in the TACTIC reports, we used the estimated number of rental units with children, number of units inspected per year, and approximate time needed for each inspection and administrative tasks to produce an estimated increase in staff hours.

4. Train and certify housing code inspectors to collect paint and dust samples properly as part of code inspections instead of only doing so after a child has already been exposed.

Explanation: If code officers will be collecting paint and dust samples, they will need to be certified according to state requirements. This is typically achieved with a two-day training course.

5. Amend the language of the code violation notices to include deteriorated lead-based paint and elevated dust lead levels.
6. Involve the public in proposed changes to the code and seek comment.
7. Public education efforts should include the importance of deteriorated lead-based paint and the associated contaminated dust and soil it generates.
8. Changes to local codes should be evaluated by documenting changes in both housing quality and childhood blood lead levels and other metrics.

Section Three: Best Practices for Implementation

Design a Strategic Plan with Short-, Mid-, and Long-Term Outcomes

One of the most important things to keep in mind about the recommendations outlined in the TACTIC report is that a well-functioning, proactive rental code and enforcement structure is a system with many interrelated elements. While on one hand this means that cities need to take great care in implementing these recommendations in order to end up with an effective

program, it also means that a lot of ground work can be done even if large-scale code changes are initially out of reach.

In the second year of funding for this project, NCHH advised staff in the city of Battle Creek as they created an implementation plan based on the TACTIC recommendations. When first discussing the possibility of implementation, Battle Creek was clear that moving to amend their codes to require paint and dust testing, and the increased funding and staff capacity that would involve, was not a possibility for the city in the short term. However, the city was able to identify several interim steps they could take in the short term to increase their staff and community capacity. These steps included:

- Provide training for code compliance officers to become lead certified (1-4 months).
- Educational materials on lead hazards to be included with orders to repair issued for deteriorated paint (1-4 months).
- Coordinate with the county health department on potential data-sharing opportunities (1-4 months).
- Discuss recommendations and statistics with the Calhoun County Lead Task Force and Rental Roundtable (5-8 months).
- Expand collaborations with other local programs (5-8 months).

A link to the full summary of Battle Creek's implementation plan can be found as an appendix to this guide.

Have a Good Understanding of the Problem

The city should facilitate data sharing with the local health department (typically located in the county) who can provide elevated blood lead level (EBLL) data. The city may benefit from the health department's data to get a better picture of how lead poisoning affects their community, and the health department may be able to use city data on code compliance to inform their own prevention efforts.

In addition to understanding local EBLL data, the city will want to have a good understanding of where and who all the rental properties and landlords are. Even in cities that already have a rental registration program and scheduled inspections, there may be an estimated number of rental units that are unregistered; for example, Battle Creek estimated that 500 of their properties were unregistered, and Bay City had about 2,800 rental properties registered out of an estimated total of 5,000.

Finally, cities should arm themselves with information about the potential costs and benefits of changes to their codes program. It is likely that conversations with partner programs, city members, and community members will raise concerns about feasibility, cost, or unintended

impacts on the local housing market. While it is important to recognize and plan for any costs and negative impacts of the changes, city staff and community leaders can also emphasize the following societal benefits and opportunities presented by the recommendations:

- Acting before children are harmed, instead of reacting only after the harm has been done.
- Potential for new job creation.
- How the costs of proactive code inspections are less than the costs of treating and educating children with elevated blood lead levels.
- The benefits of a “health in all policies” approach.
- Ending the historic divide between housing and public health.
- How proactive codes can benefit landlords by reducing the prospect of unanticipated housing repairs and avoidable litigation.
- Building public trust in democratic institutions to address preventable diseases, such as childhood lead poisoning.
- Active engagement of the city’s philanthropic institutions.
- Ending the current inefficient practice of shifting the costs of lead poisoning to our schools and medical care institutions.

Involve Other City or County Departments and Community Stakeholders

Successful implementation will require collaboration with multiple governmental departments and external partners, both in the design of the program and while it is being rolled out. While every city will have a different set of local dynamics in play, the following groups should generally be involved:

- ***Community members, including tenant groups, parent groups, and landlords.*** The city should involve community members during the drafting process of the new program, rather than seeking comment or deploying public education after a plan has been finalized. Some cities may want to consider appointing community leaders and members to an advisory council to provide organized input; others may have existing advisory groups or task forces that can take part in this process.
- ***Contractors.*** A requirement that property owners remediate lead hazards may mean an increase in demand for contracting services. A city may also decide to use third-party inspectors for their code requirements as was done in Detroit. In either case, the city will need to understand the availability and capacity of lead-certified contractors in the area.

- **Staff from city or county departments or programs.**
 - *Codes/inspections.*
 - *Lead and healthy housing services, including a HUD Lead Hazard Control Grant, if applicable.* The staff implementing the new codes program will need to have a good understanding of other services that exist in the area and whether residents or property owners can be referred to those services.
 - *Health department.* As described above, the city should work with the health department to share data.
 - *Legal department and housing court.* The city will need to ensure that enforcement of new code requirements is effective. This may include lead hazard awareness training for city attorneys charged with enforcing lead-related code violations and/or administrative law judges. The city may also need to factor in time in housing court when calculating staff time requirements.

The final report from the Lead Free Kids GR's (Grand Rapids) Lead Free Advisory Committee, included as an appendix to this guide, includes a section on partnership opportunities which is a helpful example of other community programs and groups that cities should consider working with.

Take Advantage of and Build from Existing Programs and City Structures

Implementing the recommendations will be easier if the city can understand and build on the strengths and opportunities of existing programs. Examples of this kind of strategic thinking among the TACTIC sites included the following:

- Using funds through a HUD Lead Hazard Control Grant to train code enforcement officers to become lead certified was a potential activity for Flint as they had just started a new grant.
- Battle Creek shared that a previous public education campaign had resulted in a demonstrated increase in voluntary child testing, indicating that the methods used were effective at reaching an audience and could be reprised with an emphasis on home hazards.
- Bay City has an ongoing relationship with a group of landlords who would be a good forum for discussing potential code changes as they're developed.

It is also important to consider any opportunities for change presented by other internal city processes, such as annual budget cycles or strategic planning.

Plan for Rollout Impacts

Depending on the size of the city and the average age of housing, rollout of the implemented changes can be daunting. The following are three key strategies to help ensure that city and community capacity are up to the task:

- **Consider targeting initial enforcement at high-risk areas.** When rolling out their new lead ordinance, Detroit brought ZIP codes online one at a time. This prioritizes and modulates the burden and allows property owners to prepare for when they will fall under the new requirement.
- **Introduce the new requirements to tenants and landlords well in advance.** As described above, both residents and landlords should be informed and involved during the policy development process, and the city should work to educate the population as broadly as possible before the changes take effect.
- **Identify and prepare supplemental supports.** To help with costs of the changes that fall on property owners, the city should work to implement supplemental programs such as a revolving loan fund or free renovation, repair, and painting (RRP) training.

Further Reading

- [Final Report for the City of Battle Creek](#)
- [Final Report for the City of Bay City](#)
- [Final Report for the City of Detroit](#)
- [Final Report for the City of Flint](#)
- [Final Report for the City of Grand Rapids](#)
- [Final Report for the City of Muskegon](#)
- [Year 2 Implementation Update for the City of Battle Creek](#)
- [Year 2 Implementation Update for the City of Grand Rapids](#)
- [How to Make Proactive Rental Inspections Effective](#)

Appendix 1: City of Battle Creek Summary of Recommendations and Implementation

Implementation (1 – 4 Months)

Public education efforts should include the importance of deteriorated lead-based paint and the associated contaminated dust and soil it generates. Previous public education efforts have resulted in an increase in voluntary child lead testing – future efforts could include more information about the importance of home testing.

- Informational lead pamphlets are mailed to every rental property owner as the property is inspected and permitted on a 3 or 6 year permit cycle. Materials are provided to the City by the EPA as available.
- Participants of the City Paint Program are provided the EPA lead pamphlet prior to awarding the voucher. Additionally, they are required to watch online videos on lead paint that highlights lead safety measures.
- Make informational lead pamphlets available to the public in the Code/Inspections Office and on the City website.

Train housing code inspectors to properly collect paint and dust samples as part of code inspections, instead of only doing so after a child has already been exposed. One of Battle Creek's code inspectors is already fully certified as a lead-based paint inspector and risk assessor. Other local officials employed as lead-based paint risk assessors could be deputized as code inspectors.

- Explore and provide lead education and training for Code Compliance Officers to become lead certified.

Amend the language of the code violation notices to include deteriorated lead-based paint and elevated dust lead levels. The current language seems to involve only deteriorated paint, not deteriorated lead-based paint.

- The adopted Property Maintenance Code does not address dust levels nor require lead testing.

Incorporate supplemental language on Orders to Repair that includes language that deteriorated paint may be lead-based causing lead exposure.

- Include EPA informational lead pamphlets with every Order to Repair issued for violation of deteriorated paint.

Facilitate data-sharing between the City and the County Health Department. The City could provide a list of homes with a higher risk of hazards, using variables such as chipped paint and lack of compliance.

- Coordinate a meeting with the County Health Department to discuss value in data-sharing and potential follow up utilization/action. Suggest that the City provide a quarterly report of properties that have been issued an Order to Repair for deteriorated paint that have failed to comply with correcting the violation.

Implementation (5 – 8 Months)

Work with community-based programs to expand capacity to educate landlords and residents, assistance with temporary relocation and expand referrals to social services for other needs identified in the home.

- Continue active role on the Calhoun County Lead Task Force.
- Explore opportunities for expanded and new collaborations / initiatives: Legal Services of Southwest Michigan, E-Paint, Rental Roundtable, Neighborhoods Inc, Calhoun County Land Bank, Habitat for Humanity, Battle Creek Housing Commission, etc.

Involve the public in proposed changes to the code and seek comment. This includes working for the protection of tenants during the implementation of code changes.

- Share information / statistics with Calhoun County Lead Task Force and the Rental Roundtable (landlords & tenants).

Implementation (Long Term)

Consider increasing funding and capacity for code compliance, perhaps using Community Development Block Grant funding or other funding.

- Current funding (CDBG, Solid Waste and General Funds) does not allow for increased allocations for additional Code Compliance staff or costs to fund lead testing.

Require testing of deteriorated lead paint and dust as part of the Certificate of Compliance to determine actual risk of lead hazards. The current practice of visually examining paint is insufficient, because the lead content of deteriorated paint and dust cannot be seen by the naked eye.

- Prior to considering implementation the following includes a few aspects that will need to be explored and assessed: impact on personnel time to collect and enforce, costs associated with collecting samples, testing, and abatement.

Change the existing housing code language to require remediation of deteriorated lead-based paint using lead-safe work practices and clearance dust testing in all rental units in which young children reside or are expected to reside or could reside or visit. The National Healthy Housing Standard may be utilized as a model code. The dust testing should comply with the recent lead dust guidance values established by the U.S. Department of Housing and Urban Development for its lead hazard control grantees.

- Prior to considering implementation the following includes a few aspects that will need to be explored and assessed: impact on personnel time to verify that lead-safe work practices were used to include completion of clearance of dust testing, research and impact of limiting this to only rental units vs. all residential property.

Evaluate the results of these changes by documenting changes in housing quality, compliance time, complaints and childhood blood lead levels. Other factors to consider in evaluation include census tract or neighborhood comparisons to ensure the system is monitoring effectively and equitably.

- Continue working in partnership with the Calhoun County Lead Task Force to assess impacts of increased lead awareness, education, and abatement of lead hazards.

Appendix 2: Lead Free Kids GR's Advisory Committee Final Report



CITY OF GRAND RAPIDS AGENDA ACTION REQUEST

DATE: February 25, 2020

TO: Mark Washington, City Manager

COMMITTEE: Committee of the Whole

LIAISON: Mark Washington, City Manager

FROM: Karyn Ferrick, Legislative Affairs Manager
Executive Office

SUBJECT: **Lead Free Kids Grand Rapids Advisory Committee Final Report**

Mayor Rosalynn Bliss assembled the Lead Free Kids Grand Rapids Advisory Committee (committee) during the summer of 2018 to work on the issue of rising numbers of children who have tested positive for lead poisoning in Grand Rapids. The committee was comprised of Mayor Rosalynn Bliss; City Commissioners Senita Lenear and Kurt Reppart; County Commissioner Robert Womack; several community stakeholders including Kimberly Baron, Matthew Beresford, Sarah Edgington, Ken Fawcett, Paul Haan, Candy Isabel, Cle Jackson, Ken Klomprens, Alex Markham, Raven Odom, Clay Powell, John Smith, Shannon Wilson; Kent County Health Department staff including Joan Dyer, Joann Hoganson, and Sara Simmonds; numerous City staff including Karyn Ferrick (Chair), Doug Matthews, Connie Bohatch, Alison Sutter, Lou Canfield, Jonathan Klooster, and Laura Olson; and former members Doug Stek, Chandra Colley, LyRee Adams, David de Velder.

The committee met bi-monthly for a total of 9 meetings between August of 2018 and December of 2019. In that time, the committee heard from the Kent County Health Department, the Michigan Department of Health and Human Services (MDHHS), the National Center for Healthy Housing, Healthy Homes Coalition of West Michigan, Parents for Healthy Homes, the Rental Property Owner's Association, and the City's Housing Rehabilitation Office.

The committee's work focused on reviewing, assessing and providing guidance on City housing and lead-based paint remediation procedures, plans and programs. That work concluded at the end of 2019 with an understanding that all of the recommended options for consideration

would be advanced in a final report to the City Commission in the hopes of informing future discussions and deliberations regarding this critical issue.

After several discussions regarding strategies and ideas to assist the City in its efforts to eradicate lead-based paint hazards in housing, the committee ultimately settled on the 21 recommended options that are presented below for consideration. They are primarily organized in three categories: city initiatives; state legislation; and partnership opportunities.

Recommended Options for Consideration

CITY INITIATIVES

- Designate a liaison to be the single point of contact to coordinate and be accountable;
- Establish a timeline with outcomes and deliverables for action on city-led initiatives; and
- Evaluate outcomes and deliverables based on housing quality and child blood lead levels.
- Amend the City's housing code to require the following in the rental certification process:
 - Lead-based paint testing in homes built before 1978;
 - Remediation of lead-based paint hazards identified; and
 - Consider making this a targeted approach.
- Increase funding and capacity for training, code compliance and enforcement.
- Before issuing permits, verify contractor certification in lead safe work practices for renovation, repair and paint projects.
- Review and evaluate City programs and service requirements for lead-based paint remediation and abatement activities to ensure that funding is prioritized for those most at risk and most in need and barriers to achieving that prioritization are removed.

STATE LEGISLATION – *Propose and Support the Following Initiatives:*

- Statutory remedy for lessee to terminate if lead hazards are present in the rental by amending the Truth in Renting Act, PA 454 of 1978.
- State adoption of the federal RRP rule for renovate, repair, and paint projects. Require that contractors are trained and certified in the use of lead safe work practices by amending the Occupational Code, PA 299 of 1980.
- Codify a requirement for a lead inspection, testing or clearance before a sale or transfer of property intended for occupancy if built before 1978. Consider amendments to the Seller Disclosure Act, PA 92 of 1993. *See HB 5361, sponsored by Representative Leslie Love.*

- Provide tax incentives for remediation of lead-based paint hazards in homes. For example, provide a tax credit by amending the Income Tax Act, PA 281 of 1967.
- Create a Lead Safe Housing Fund in the Michigan Department of Treasury for prevention of lead hazard exposure and assistance for families and children affected by lead poisoning. Possible source of funding is leveraging a fee on the sale of paint in Michigan. *See House Bill 5366, sponsored by Representative Rachel Hood.*
- Create economic development and housing tools and incentives for lead abatement activities.
- Ensure flexibility in existing sources of State funding and target high risk areas and populations to treat the source of childhood lead poisoning.

PARTNERSHIP OPPORTUNITIES

- Kent County – improved data sharing and integration; collaborate with health system to provide mobile health services in high risk neighborhoods including offering assistance, support and resources with lead hazard exposure.
- Foundations – Create philanthropic fund to provide resources to high risk populations and families and children affected by lead poisoning.
- Courts and legal professionals – Provide housing education specific to landlord tenant rights and responsibilities.
- Utilities – Identify programs offered by utilities and other energy efficiency programs to remediate lead (i.e. door and window replacement rebates and incentives).
- Community organizations – Offer free training and education about lead safe work practices for DIY home repair projects; contractor certification in RRP; and other lead-based paint hazard and risk identification in homes.

ADDITIONAL OBSERVATIONS

Members of the committee were provided a survey to share with other members of the community, review the recommended options, and rank the items within each of the categories.

The survey results indicated that all of the items were important to someone and that priority ranking varied among members. In terms of additional input received, much of the comments were related to items already included in the recommended options.

Below is a summary of some of the additional comments received:

- Prioritization was difficult as all of these items are important;
- Coordinate more intentionally with the County going forward;
- Add dust wipe sampling to rental certification process;

- Testing and dust wipe sampling in homes should be targeted at high risk areas;
- Collaborate with energy efficiency and weatherization programs;
- Funding is needed to assist families affected by lead;
- Landlords who intentionally rent homes with lead hazards to families should be penalized; and
- Legislative changes should focus both on rental and owner-occupied homes.

CONCLUSION

Since the committee concluded its work in December, City staff have continued to meet with partners, discuss and analyze the committee's recommended options, and determine next steps. An important collaborative effort with Kent County is underway that will facilitate action to address and prevent lead hazards in our community.

City staff also participated in a press conference in Lansing earlier this month with Representative Rachel Hood and other sponsors in support of the recently introduced Healthy Homes, Healthy Families legislative package to protect Michigan families from lead poisoning.

With budget and strategic planning work underway, the information contained in the final report is timely and will be thoroughly analyzed and carefully considered.

Prepared by Alicia Bernt

CORRECT IN FORM

DEPARTMENT OF LAW