

Public Comments and Responses for the Proposed Revision of
Allegheny County Health Department Regulation:
Article VI: Houses and Community Environment
Comments received on or before July 10, 2023

COMMENT	COMMENTER(S)
General	
1. Some of the proposed amendments to Article VI are long overdue and will save lives, and we urge the Board to approve those changes without delay.	Michelle Naccarati-Chapkis
RESPONSE: Thank you for your participation in the public comment process. Allegheny County Health Department (ACHD) continues to work toward improving the health and well-being of all Allegheny County residents.	
2. We write in support of the proposed amendments and to recommend additional changes that we believe are necessary to achieve those goals.	Robert Damewood
RESPONSE: Thank you for your participation in the public comment process. ACHD will review and consider recommendations for future updates.	
3. The proposed revisions to Article VI will enhance the Housing Community Environment Program's ability to safeguard the safety and well-being of County residents.	Carlos T. Carter
RESPONSE: See response to Comment 1.	
4. We support most of ACHD's proposed revisions to Article VI.	Carlos T. Carter; Deborah Gross; Abby Rae LaCombe; Kevin Quisenberry; Gale Schwartz; Erika Strassburger; Dan Sullivan; Barb Warwick; John Zilka
RESPONSE: See response to Comment 1.	
5. The Board should create a Housing Advisory Committee (HAC) that is modeled after other ACHD advisory committees, such as the Food Safety Advisory Committee outlined in Article III, Section 350.	Carlos T. Carter; Chavaysha Chaney; Robert Damewood; Deborah Gross; Abby Rae LaCombe; Eric Macadangang; Michelle Naccarati-Chapkis; Kevin Quisenberry; Amanda Reddy; Gale Schwartz; Erika Strassburger; Dan Sullivan; Barb Warwick; John Zilka
RESPONSE: While the ACHD is not opposed to the creation of a Housing Advisory Committee (HAC) in future updates, the priority for the current proposed revisions is to bring Article VI in line with modern property maintenance standards. The proposed creation of an HAC is better suited as a separate amendment based on a larger stakeholder process.	
6. We urge the Board to consider expanding the breadth of Article VI beyond minimum standards. The housing code	Chavaysha Chaney; Michelle Naccarati-Chapkis

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<p>should protect health, accessibility, and tenants’ rights. As Article VI currently stands, provisions for moisture control, pest and waste management, injury prevention, and chemical hazards like lead and radon are critically lacking in comparison to the National Center for Healthy Housing (NCHH) housing standards.</p>	
<p>RESPONSE: The current proposed changes prioritize aligning Article VI with industry standards set by the following International Code Council regulations: Property Maintenance Code, Mechanical Code, Residential Code, Plumbing Code, Fuel and Gas Code, and Fire Code. Revisions were also drafted in consultation with requirements set by federal, state, and municipal codes, including those set by the Department of Housing and Urban Development (HUD). The current proposed revisions focus on clarifying and improving language and would expand ACHD’s capacity to protect tenants in the areas of moisture control (e.g., regulation of leaks, ventilation, grading and drainage), pest and waste management (bolstering these regulations), injury prevention (e.g., window fall protection device requirement), and chemical hazards (e.g., clarifying language around lead abatement for ease of enforcement). ACHD will continue to research radon enforcement models and potentially include appropriate revisions in Article VI in future updates.</p>	
<p>7. The Board of Health should recommend that County Council create a proactive rental inspection and licensing policy.</p>	<p>Robert Damewood; Michelle Naccarati-Chapkis</p>
<p>RESPONSE: The ACHD uses a proactive inspection approach for regulated operators such as pools and rooming houses. A proactive inspection framework for rented dwellings throughout the county, such as a rental registry, would require a larger stakeholder process as well as legal review to determine an appropriate model.</p>	
<p>8. We urge the Board to adopt a more proactive approach with Article VI, utilizing best practices, to better and more equitably protect health, safety and tenants’ rights in our housing and community environments.</p>	<p>Carlos T. Carter; Deborah Gross; Abby Rae LaCombe; Kevin Quisenberry; Amanda Reddy; Gale Schwartz; Erika Strassburger; Dan Sullivan; Barb Warwick; John Zilka</p>
<p>RESPONSE: <i>See response to Comment 7.</i></p>	
<p>9. ACHD should include a provision that prohibits retaliation against tenants. The existing complaint-driven enforcement scheme and lack of strong tenant protection from retaliation discourages the reporting of violations.</p>	<p>Carlos T. Carter; Robert Damewood; Deborah Gross; Abby Rae LaCombe; Eric Macadangdang; Michelle Naccarati-Chapkis; Kevin Quisenberry; Amanda Reddy; Gale Schwartz; Erika Strassburger; Dan Sullivan; Barb Warwick; John Zilka</p>
<p>RESPONSE: ACHD aims to prioritize tenant protections and will use all public comments to inform future revisions. The current set of revisions are intended to update Article VI to modern property maintenance code as an initial measure designed to improve public health. ACHD will review and consider recommendations for future updates.</p>	

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<p>10. The existing fine-based enforcement scheme is not effective in causing property owners to correct violations.</p>	<p>Carlos T. Carter; Deborah Gross; Abby Rae LaCombe; Michelle Naccarati-Chapkis; Kevin Quisenberry; Amanda Reddy; Gale Schwartz; Erika Strassburger; Dan Sullivan; Barb Warwick; John Zilka</p>
<p>RESPONSE: The ACHD Housing and Community Environment (HCE) Program utilizes a range of enforcement actions to secure compliance with public health standards. The ACHD HCE Program routinely consults the ACHD Legal Office to pursue other legal remedies; however, the majority of property owners are responsive to the current structure.</p>	
<p>11. The current system lacks mechanisms to repair urgent health and safety conditions if the owner is unable or unwilling to do so.</p>	<p>Michelle Naccarati-Chapkis</p>
<p>RESPONSE: The proposed Article VI revisions contain mechanisms for ACHD to respond efficiently to urgent issues. For example, ACHD can issue an emergency public health order as put forth in Section 610 (Emergency Orders). In addition, Section 604 (Definitions) includes emergency conditions in the definition of Class 1 violations, which trigger an urgent response from the Department and subject owners to the penalties outlined in Section 608 (Penalties).</p>	
<p>12. The current rental escrow policy is rarely used due to deficiencies in program design and administration, and it should be revised and incorporated into Article VI.</p>	<p>Michelle Naccarati-Chapkis</p>
<p>RESPONSE: The Rent Withholding Act is a Pennsylvania state law that ACHD facilitates. Creating a new standard for the operation of the rent withholding program would require comprehensive stakeholder input and a separate supplementary regulation rather than incorporation into Article VI and is beyond the scope of the current regulatory update.</p>	
<p>13. Allegheny County can and should supplement the PA Rent Withholding Act and correct these deficiencies through revisions to Article VI. Supplementary regulations should:</p> <ul style="list-style-type: none"> • Allow tenants to submit receipts for habitability related expenses as part of the monthly rental escrow payment. • Allow tenants to withdraw escrow funds to pay for costs related to securing and moving to a habitable dwelling. • Clarify that the Department will not certify a dwelling as fit for human habitation if code violations remain uncorrected, or at the very least give tenants an opportunity to challenge a proposed certification prior to the release of escrow funds. 	<p>Robert Damewood</p>

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<ul style="list-style-type: none"> • Allow the Department to use escrow funds to pay or reimburse the cost of correcting code violations in the event the Department uses an enter-and-repair remedy. 	
RESPONSE: <i>See response to Comment 12.</i>	
<p>14. The Board should recommend adding provisions in Article VI that supplement Rent Withholding Act provisions to: 1) allow for the withdrawal of escrowed funds by tenants to relocate to alternative housing when code violations persist after the initial compliance period; 2) allow tenants to submit receipts as part of the monthly escrow for repair expenses they have paid to remedy code violations; 3) provide notice and an opportunity for tenants to object to the release of escrow funds.</p>	<p>Carlos T. Carter; Deborah Gross; Abby Rae LaCombe; Eric Macadangdang; Kevin Quisenberry; Amanda Reddy; Gale Schwartz; Erika Strassburger; Dan Sullivan; Barb Warwick; John Zilka</p>
RESPONSE: <i>See response to Comment 12.</i>	
<p>15. Article VI should include a residential anti-displacement and relocation plan that:</p> <ul style="list-style-type: none"> • Gives tenants advance notice of condemnation proceedings and an opportunity to intervene and influence the outcome of those proceedings. • Provides funding for legal representation of tenants in a condemned rental property along with a referral to legal services. • Provides tenants who are facing displacement as a result of code-required repairs or an order to vacate with relocation assistance and helps secure safe, sanitary housing of their choice until the dwelling is rendered habitable. • Requires the property owner to either provide such relocation assistance and temporary accommodation or to reimburse the Department for the cost of doing so. 	<p>Robert Damewood</p>
<p>RESPONSE: Although this set of comments has merit, the comments are beyond the scope of the current regulatory update, which focuses on ensuring that the property maintenance code aligns with industry standards. Legal representation or relocation assistance is not within the scope of ACHD's activities as a regulator of minimum property standards.</p>	

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<p>16. Article VI should provide the Department with additional tools to incentivize compliance rather than relying exclusively on the threat or imposition of fine-based penalties. Those include: Injunctive relief; Appointment of a receiver; Power to enter and make repairs; Rental escrow.</p>	<p>Robert Damewood</p>
<p>RESPONSE: <i>See response to Comment 10.</i></p>	
<p>17. The Board should recommend a new provision to Article VI authorizing the Department to utilize available funds to assist very-low-income families (households with incomes at or below 50% of local area median income) with obtaining interim housing pending correction of serious health and safety code violations, or to assist them with relocating in the event the Department orders that the dwelling be vacated.</p>	<p>Carlos T. Carter; Deborah Gross; Abby Rae LaCombe; Eric Macadangdang; Kevin Quisenberry; Amanda Reddy; Gale Schwartz; Erika Strassburger; Dan Sullivan; Barb Warwick; John Zilka</p>
<p>RESPONSE: ACHD supports state and local programs that tenants can access in these cases but is not able to commit funds at this time. This policy would require a separate proposal outside the scope of the current regulatory update.</p>	
<p>18. The proposed deletion of Section 615 should be rethought. <i>[Previous Section 615 outlined a detailed list of specific definitions for Class 1 through Class 4 violations.]</i></p>	<p>Carlos T. Carter; Deborah Gross; Abby Rae LaCombe; Amanda Reddy; Kevin Quisenberry; Gale Schwartz; Erika Strassburger; Dan Sullivan; Barb Warwick; John Zilka</p>
<p>RESPONSE: Operationally, former Section 615 will remain much the same. Under the proposed revisions, Class 1-4 and Class U violations are defined more broadly under Section 604 (Definitions). Broader definitions allow Housing and Community Environment (HCE) inspectors to treat each case with the appropriate degree of attention, including treating cases previously defined strictly as a certain lower-priority class level (e.g., Class 3 or 4) as a higher-priority class level (e.g., Class 1 or 2).</p>	
<p>19. The Board should add clear and basic timeframes and standards for enforcement activities by the Department, with discretion for the Department to fill in needed details, so that property owners, renters and others have a clear understanding and expectations about the basic enforcement standards and timeframes to be implemented by the Department.</p>	<p>Carlos T. Carter; Deborah Gross; Abby Rae LaCombe; Kevin Quisenberry; Amanda Reddy; Gale Schwartz; Erika Strassburger; Dan Sullivan; Barb Warwick; John Zilka</p>
<p>RESPONSE: The current proposed revisions aim to improve readability and promote better understanding of the Article while ensuring that Housing and Community Environment (HCE)</p>	

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inspectors have the discretion to treat each case with the appropriate degree of attention and prioritization. Specific timeframes may limit these abilities, especially in cases for which an enumerated timeframe may prove overly generous.	
<p>20. Article VI should be revised to regulate mold, borrowing from best practices, such as the National Healthy Housing Standard published by the National Center for Healthy Housing.</p>	<p>Carlos T. Carter; Deborah Gross; Abby Rae LaCombe; Kevin Quisenberry; Amanda Reddy; Gale Schwartz; Erika Strassburger; Dan Sullivan; Barb Warwick; John Zilka</p>
<p>RESPONSE: While the current Article VI language does not establish a standard specific to mold, the current proposed revisions address underlying causes of mold where violations are found. Mold can originate from sources that are not always indicators of landlord violation. Article VI addresses several means of moisture control (e.g., regulation of leaks, ventilation, grading and drainage). ACHD will continue to enforce these clauses and address sources of moisture.</p>	
<p>21. Article VI should be revised to regulate radon, borrowing from best practices, such as the National Healthy Housing Standard published by the National Center for Healthy Housing.</p>	<p>Carlos T. Carter; Deborah Gross; Abby Rae LaCombe; Kevin Quisenberry; Amanda Reddy; Gale Schwartz; Erika Strassburger; Dan Sullivan; Barb Warwick; John Zilka</p>
<p>RESPONSE: ACHD will continue to research radon enforcement models and potentially include appropriate revisions in Article VI in future updates.</p>	
<p>22. The Board should propose a new provision in Article VI directing the Department to create a simple, County-wide rental registry, to identify the location and other basic, relevant information for residential rental dwellings in the County.</p>	<p>Carlos T. Carter; Deborah Gross; Abby Rae LaCombe; Eric Macadangdang; Kevin Quisenberry; Amanda Reddy; Gale Schwartz; Erika Strassburger; Dan Sullivan; Barb Warwick; John Zilka</p>
<p>RESPONSE: <i>See response to Comment 7.</i></p>	
<p>23. The Board should propose a new provision in Article VI requiring residential rental properties to comply with any applicable municipal occupancy requirements.</p>	<p>Carlos T. Carter; Deborah Gross; Abby Rae LaCombe; Kevin Quisenberry; Amanda Reddy; Gale Schwartz; Erika Strassburger; Dan Sullivan; Barb Warwick; John Zilka</p>
<p>RESPONSE: ACHD is satisfied with the current language of Article VI regarding compliance with municipal occupancy requirements. Section 605.F stipulates that enforcement of Article VI will not interfere with municipal requirements when a municipal law, code or regulation is more stringent than Article VI.</p>	
<p>24. The Board should authorize the Department to utilize County resources to partner with municipalities and assist them with fully implementing their own proactive rental inspection programs.</p>	<p>Carlos T. Carter; Deborah Gross; Abby Rae LaCombe; Eric Macadangdang; Kevin Quisenberry; Amanda Reddy; Gale Schwartz; Erika Strassburger; Dan Sullivan; Barb Warwick; John Zilka</p>

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<p>RESPONSE: ACHD currently engages in partnerships with municipalities to support applicable policies at the municipal level and offer guidance or assistance. ACHD will continue these efforts.</p>	
<p>25. We urge the Board to direct more resources for lead poisoning in hot spot neighborhoods; commit to providing more resources for lead poisoning prevention activities, generally including support from the municipalities to strengthen lead protocol and code enforcement and better coordination of resources by the City, County, or regional stakeholders; improve the Lead Inspection and Risk Assessment (LIRA) acceptance rate; and establish resources for lead remediation, such as low-interest loans, community funds, and grants.</p>	<p>Chavaysha Chaney</p>
<p>RESPONSE: Most of the County's lead inspection and mitigation programming exists outside the regulation of Article VI. ACHD's Housing and Community Environment (HCE program engages in proactive outreach and mitigation. For more information on these efforts, please see the following ACHD web pages: https://www.alleghenycounty.us/Health-Department/Programs/Housing-and-Community-Environment/Lead-Exposure-Testing.aspx https://www.alleghenycounty.us/Health-Department/Programs/Special-Initiatives/Lead/Lead-Exposure-Prevention.aspx. The Allegheny County Economic Development (ACED) office oversees the federal U.S. Department of Housing and Urban Development (HUD) grant that supports its Allegheny Lead Safe Homes (ALSH) Program. For more information on the ALSH Program, please visit https://www.alleghenycounty.us/economic-development/residents/lead-safe-homes-program.aspx.</p>	
<p>Section 605 Enforcement Authority and Interpretations</p>	
<p>26. We recommend revising Section 605.F to require that residential rental dwellings comply with any applicable municipal occupancy requirements, which would help to incentivize compliance with those codes and promote proactive identification and remediation of health and safety hazards in residential rental dwellings.</p>	<p>Carlos T. Carter; Kevin Quisenberry</p>
<p>RESPONSE: ACHD supports municipal policies where they exist, which may be stricter than County regulation. However, this recommendation is beyond the scope of ACHD's enforcement abilities.</p>	
<p>Section 606 Entry and Inspection of Dwellings and Premises</p>	

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<p>27. To avoid any potential violation of the constitutional rights of owners and occupants, Section 606 should specify that, if entry is refused or cannot be obtained, the Department is authorized to enter and inspect any dwelling or premises upon showing a warrant or, in the event of exigent circumstances, upon showing proper identification.</p>	<p>Robert Damewood</p>
<p>RESPONSE: The ACHD finds this comment to have merit and, in consultation with the ACHD Legal Office, has revised Section 606 of the Article to include updated language.</p>	
<p style="text-align: center;">Section 608 Penalties</p>	
<p>28. Section 608 should be amended to add “AND OTHER REMEDIES” to the caption.</p>	<p>Robert Damewood</p>
<p>RESPONSE: The ACHD finds this comment to have merit and, in consultation with the ACHD Legal Office, has revised the Article to include this language under Section 608, Subsection E.</p>	
<p>29. Section 608 should be amended to add “In addition to the penalties provided in this Section, the Department may institute an appropriate action or proceeding at law or in equity to prevent or restrain a violation of this Article.”</p>	<p>Robert Damewood</p>
<p>RESPONSE: The ACHD finds this comment to have merit and, in consultation with the ACHD Legal Office, has included similar language under Section 608, Subsection E.</p>	
<p style="text-align: center;">620 Service and Posting of Notices and Orders for Alteration, Demolition, Vacation and Emergency Vacation of a Dwelling</p>	
<p>30. Section 620 should be revised to expressly provide occupants with pre-Order, or in the case of an emergency prompt post-Order, notice and a right to object to any Order to vacate.</p>	<p>Abby Rae LaCombe</p>
<p>RESPONSE: In consultation with the ACHD Legal Office, ACHD finds the current language satisfactory; Section 609 (Appeals) currently provides the right to object to an Order to vacate. In addition, all written orders include appeal language, notifying occupants of this right.</p>	

Commenter Reference
(Alphabetical by last name)

1. Carlos T. Carter (President and CEO, Urban League of Greater Pittsburgh)
Submitted on behalf of the Eviction Prevention Cohort of Allegheny County
2. Chavaysha Chaney (Advocacy and Health Policy Manager, Women for a Healthy Environment)
3. Robert Damewood (Senior Staff Attorney, Regional Housing Legal Services)
4. Deborah Gross (City Councilmember, District 7)
5. Abby Rae LaCombe (Executive Director, RentHelpPGH)
Submitted on behalf of RentHelpPGH
6. Eric Macadangdang (Community Networks Coordinator, UrbanKind Institute)
7. Michelle Naccarati-Chapkis (Chair, Lead Safe Allegheny Coalition Steering Committee)
8. Kevin Quisenberry (Litigation Director, Community Justice Project)
Submitted on behalf of Community Justice Project
9. Amanda Reddy (Executive Director, National Center for Healthy Housing)
Submitted on behalf of the National Center for Healthy Housing
10. Gale Schwartz (Chair Homeless Advisory Board, Allegheny County Continuum of Care)
Submitted on behalf of the Homeless Advisory Board (HAB)
11. Erika Strassburger (City Councilmember, District 8)
12. Dan Sullivan (Housing Stabilization Program Manager, ACTION Housing, Inc.)
Submitted on behalf of ACTION Housing, Inc.
13. Barb Warwick (City Councilmember, District 5)
14. John Zilka (President & COO, Applied Systems)