

COUNTY OF



ALLEGHENY

SARA INNAMORATO  
COUNTY EXECUTIVE

**Meeting of the Allegheny County Board of Health  
March 6, 2024**

1. Call to Order
  2. Approval of Minutes for the meeting of January 17, 2024
  3. Update on Director Search
  4. Public Comments on Agenda Items
  5. Director's Report
  6. New Business Action Items
- For Final Approval**
- a. Revisions to Article VI: Housing and Community Environment
7. Public Comment on Non-Agenda Items
  8. Adjournment



**ALLEGHENY COUNTY HEALTH DEPARTMENT**  
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ALLEGHENY

SARA INNAMORATO  
COUNTY EXECUTIVE

**Reunión de la Junta de Salud de Allegheny County  
6 de marzo de 2024**

1. Apertura de la sesión
  2. Aprobación de las actas de la asamblea del 17 de enero de 2024
  3. Actualización sobre la búsqueda de director/a
  4. Comentarios públicos sobre los temas de agenda
  5. Informe del director
  6. Nuevas medidas de la empresa
- Para su aprobación final**
- a. Revisiones del Artículo VI: Viviendas y entorno comunitario
7. Comentarios públicos sobre los temas fuera de agenda
  8. Cierre de la asamblea



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**Allegheny County Board of Health**  
**January 17, 2024**  
**Minutes**

**Present:**       **Dr. Lee Harrison, Chair**  
                  **William Youngblood, Vice Chair**  
                  Dr. Donald Burke  
                  Patrick Dowd, Secretary  
                  Anthony Ferraro  
                  Dr. Kotayya Kondaveeti  
                  Dr. Joylette Portlock  
                  Dr. Edie Shapira  
                  Dr. Ellen Stewart

**Absent:**         Caroline Mitchell

**1. Call to Order**

Board Chair Dr. Lee Harrison announced that the Board of Health had met in executive session to discuss personnel and legal matters.

**2. Approval of Minutes**

Dr. Harrison asked for a motion to approve the minutes.

**Action:** Mr. Ferraro moved to approve the minutes of the November 1, 2023. Dr. Edie Shapira seconded the motion. **Members approved the motion unanimously.**

**3. Election of Officers**

Dr. Harrison asked for a motion.

**Action:** Dr. Edie Shapira moved to nominate Dr. Harrison as Board Chair. Mr. Tony Ferraro seconded the motion. **The members approved the motion unanimously.**

**Action:** Dr. Harrison moved to nominate Mr. Bill Youngblood as Vice Chair. Dr. Don Burke seconded the motion. **The members approved the motion unanimously.**

**4. Public Comments on Agenda Items**

There were no public comments on agenda items.

**5. Director's Report**

Acting Director and Chief Operating Officer Patrick Dowd provided a look at the work the Health Department planned to do in the coming year.

The Bureau of Administration and the Human Resources Program plans to continue moving forward hiring high-quality staff. The team had success in the last two years and plans to keep up its pace. The Human Resources team also plans to continue its efforts related to workforce development. This will include the full launching of the dental assistant training program as well as trainings for the ACHD teams. The Bureau of Administration is also supporting the whole department in the implementation of new technology system upgrades.

Dr. Nightingale and the Bureau of Clinical Services plans to continue expanding services while also making services more convenient and accessible. For example, At-Home STI testing. This program has been a success and just relaunched with new partners in the new year. The Bureau also plans to and open a McKeesport satellite clinic this year.

Dr. Nightingale and her team have been exploring the possibility of billing third-party insurers for some clinical services offered. This would generate revenue to help further expand services as well as increase the accessibility of those services.

The Bureau of Community and Family Health headed up by Dannai Wilson is currently seeking a program manager for the Chronic Disease and Injury Prevention Program. This will be an important hire for the bureau, and the team is working diligently to identify the right candidate. The team has received a new CDC grant focused on dementia-related diseases, and there will be much to report on this work in the months ahead. As you know, the Women, Infant and Children's (WIC) program has been working to increase both its outreach and access to the program. That work will continue in the coming year.

Led by Dr. LuAnn Brink and central to their work, the Bureau of Data Reporting and Disease Control will be reporting out on the Plan for a Healthier Allegheny. They hope to make presentations to the community. They will also be deploying a new survey strategy: the data from which will be plugged into the plan and reported out to the community. The team will also be initiating new types of evaluation work.

The Bureau of Environmental Health and the ACHD eagerly awaits word from EPA on the redesignation request for PM2.5. That request was submitted in November 2022 and the EPA has not issued any comment on it yet. The team is simultaneously planning for possible new, stricter PM2.5 National Ambient Air Quality Standards (NAAQS). Knowing the need to vacate the Clack Campus, the Monitoring Program is looking for a new monitoring location for operating the monitors.

The Plumbing team will continue to conduct virtual inspections and will be working to align the plumber's licensing test to current & expected upcoming code.

The Bureau of Food, Housing & Policy will also be very busy this year. As we speak, the Food Safety team is preparing for the Fish Fry season. The team is doing outreach to all types of entities to share the importance of food safety regulations. The Housing and Community Environment program is working to revise Article VI. The program is also hoping to expand vector control, as will be evident in the action item before the board in today's meeting. Our Overdose Prevention program will continue to implement the strategies related to the CDC's Overdose Data to Action (OD2A) Grant.

The Public Health Laboratory led by Dr. Robert Wadowsky is busy preparing for the new public health laboratory which will be completed by the end of this year. In addition, the team is working on acquiring a new laboratory information management system, which will better connect the laboratory to the clinics and improve overall laboratory performance.

Board members asked about the number of inspectors in the Food Safety program and a discussion followed about the hiring for those positions.

Mr. Dowd turned the presentation over to Dr. Nightingale, the Allegheny County Medical Director and Deputy Director for the Bureau of Clinical Services. She provided updates on the respiratory virus season, pertussis and measles.

Dr. Nightingale reported that Allegheny County is in the middle of its respiratory virus season. COVID-19 continues to have the highest impact on hospitalizations and cause of death in Allegheny County. We are seeing hospitalizations and deaths related to Influenza but at much lower rates compared to COVID-19. For RSV, there are a significant number of hospitalizations but, so far this season, no deaths.

These viruses are having a major impact on our community. We can take actions to prevent hospitalizations and deaths. Vaccinations still are the most effective method. Looking at statewide rates, COVID-19 vaccination rates lag behind that of Influenza vaccines. RSV is also seeing very low uptake rates. ACHD is focusing its efforts on the population of residents who would likely take advantage of available vaccines. At ACHD we are doing all we can to promote vaccines through marketing campaigns, share with providers and community partners any updates on vaccines and their availability, perform surveillance and information gathering to assist with outreach efforts, and offer vaccines through our own clinics.

Pertussis, otherwise known as whooping cough, is also vaccine preventable. In Pennsylvania, there has been an increase in cases, particularly among high school populations. Dr. Nightingale reviewed the symptoms and encouraged people to also stay current on vaccines for Pertussis. ACHD has launched a pilot project of going into schools with lower rates of vaccination and offering vaccines.

Measles is highly contagious and viral. It has severe consequences including brain injury and death. Seven cases were detected in Pennsylvania in December. In Allegheny County, we have not detected a case since 2019. We know that vaccinations are essential to protecting against the measles virus. Here in Allegheny County, we have room to improve our rates of vaccination. ACHD is working with school districts to improve vaccination rates.

Board Chair Dr. Harrison emphasized the importance of staying current with all vaccinations especially for COVID-19.

Mr. Dowd turned the presentation over to Dr. LuAnn Brink, Deputy Director for ACHD's Bureau of Data, Reporting and Disease Control. Dr. Brink reviewed with the Board of Health the Plan for a Healthier Allegheny, 2023-2027. She outlined the main goal of the plan as well as its core principles and the three priority areas of physical, behavioral and environmental health. Dr. Brink also talked with the Board of Health about the survey work that she and her team are doing to gather information that supports some of the snapshots. Based on this and other data gathered, she and her team hope to host meetings around the county. The idea will be to share with residents the progress we are all making towards the goals laid out in the plan.

Dr. Brink then opened the website she and her team have set up that hosts the data as well as some of the "snapshots" of progress relative to various goals identified in the plan. She shared with the Board of Health examples of snapshots, including smoke, elevated blood lead levels and PM2.5 concentrations. Anyone from the public can access this information and drill down to look at specific areas of the county. The webpage provides clear indications of where we are and are not making progress.

Members of the Board of Health asked about the climate resilience index. Dr. Brink explained that the team was still developing the index but should be ready to finalize it this year. Members also asked about tobacco use and vaping. Dr. Brink explained we do not have good data yet, but the recent Youth Risk Behavioral Survey should help provide additional data.

## **7. New Business – Action Items**

### **For Public Comment**

Otis Pitts brought forth a funding request from the Housing and Community Environment Program to supplement our supply purchases for mosquito breeding control. This year's request for \$33,406.

**Action: Mr. Ferraro** moved to approve the funding request and Dr. Kondaveeti seconded the motion. **The Board approved the motion unanimously.**

## **6. Public Comments on Non-Agenda Items**

Deputy Director for the ACHD Bureau of Administration, Kim Joyce reported that the Board of Health received one written comment regarding the potential revisions to Article VI: Housing and Community Environment.

The following individuals provided public comment:

Barbara Lee Pace spoke about pollution. William Doran talked to the Board of Health about Riverside Concrete. Angelo Taranto spoke about Metalico. Thaddeus Popovich spoke about the shutdown of Shenango. Jay Ting Walker talked about air quality. Kim Meacham spoke about air quality. Matthew Nemeth spoke about air quality. Jason Beery spoke about the search for a director. Matthew Mehalik spoke about reforming the ACHD.

## **8. Adjournment**

Dr. Harrison adjourned the meeting at approximately 1:50 pm.

**Proposed Article VI Revision  
Houses and Community Environment**

**LEGEND:**

Deletions are shown with ~~strikethroughs~~.

Additions are shown in **bolded and underlined**.

Additions after the public comment period are **highlighted**

**ALLEGHENY COUNTY  
HEALTH DEPARTMENT**

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**Rules and Regulations**

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**ARTICLE VI. HOUSES AND COMMUNITY ENVIRONMENT**

**ADMINISTRATION:**

- 601. PURPOSES.
- 602. STATEMENT OF POLICY.
- 603. EFFECTIVE DATE.
- 604. DEFINITIONS.
- 605. ENFORCEMENT AUTHORITY AND INTERPRETATIONS.
- 606. ENTRY AND INSPECTION OF DWELLINGS AND PREMISES.
- 607. ~~VIOLATIONS~~ **PENALTY NOTICE**.
- 608. **PENALTIES**.
- 6089. APPEALS.
- 60910. EMERGENCY ORDERS.
- 6101. NONCOMPLIANCE WITH ORDERS.

**ROOMING HOUSE PERMITTING REQUIREMENTS:**

- 6142. REQUIREMENTS FOR ROOMING HOUSE PERMITS.
- 6123. FAILURE OF OPERATOR TO OBTAIN A ROOMING HOUSE PERMIT.
- 6134. SUSPENSION AND REVOCATION OF ROOMING HOUSE PERMITS.
- 6145. REVIEW OF PLANS AND FEES FOR ROOMING HOUSES.
- 615. ~~VIOLATIONS, NOTICES AND HEARINGS ON DWELLINGS UNFIT FOR HUMAN HABITATION~~

**VACATION, DEMOLITION, EMERGENCY VACATION OF A DWELLING:**

- 616. VACATION OF A DWELLING.
- 617. DEMOLITION OF A DWELLING.
- 618. EMERGENCY VACATION OF A DWELLING.
- 619. CHANGES IN RULES AND REGULATIONS FOR ALTERATION, DEMOLITION, VACATION AND EMERGENCY VACATION OF A DWELLING.
- 620. SERVICE AND POSTING OF NOTICES AND ORDERS FOR ALTERATION, DEMOLITION, VACATION AND EMERGENCY VACATION OF A DWELLING.

**GENERAL STRUCTURE AND PREMISES:**

- 621. ~~GENERAL STRUCTURE:~~ RESPONSIBILITY FOR COMPLIANCE.
- 622. **GENERAL STRUCTURE:** PRINCIPAL MEMBERS COMPONENTS.
- 623. ~~GENERAL STRUCTURE:~~ STAIRS AND PORCHES WALKING SURFACES.
- 624. ~~GENERAL STRUCTURE:~~ OPENINGS.
- 625. ~~GENERAL STRUCTURE:~~ EGRESS.
- 626. GRADING AND DRAINAGE
- 627. ACCESSORY STRUCTURES

**UTILITIES AND FIXTURES:**

- 6268. ~~UTILITIES AND FIXTURES:~~ RESPONSIBILITY FOR COMPLIANCE.
- 6279. ~~UTILITIES AND FIXTURES:~~ ELECTRICITY SUPPLY.
- 62830. ~~UTILITIES AND FIXTURES:~~ ELECTRIC FIXTURES AND OUTLETS.
- 62931. ~~UTILITIES AND FIXTURES:~~ HEATING.
- 6302. ~~UTILITIES AND FIXTURES:~~ WATER SUPPLY.
- 6313. ~~UTILITIES AND FIXTURES:~~ WATER HEATING FACILITIES.
- 6324. ~~UTILITIES AND FIXTURES:~~ INSTALLATION AND MAINTENANCE.
- 6335. ~~UTILITIES AND FIXTURES:~~ KITCHEN SINKS.
- 6346. ~~UTILITIES AND FIXTURES:~~ TOILETS, LAVATORY BASINS AND BATHTUBS OR SHOWERS IN DWELLING UNITS.
- 6357. ~~UTILITIES AND FIXTURES:~~ TOILETS , LAVATORY BASINS AND BATHTUBS AND SHOWERS IN ROOMING HOUSES AND FOR LIGHT HOUSEKEEPING UNITS.

**RESPONSIBILITY OF OCCUPANT AND LANDLORD:**

**6368. OCCUPANT RESPONSIBILITY.**

**6379. LANDLORD RESPONSIBILITY.**

**BATHROOMS AND TOILET ROOMS:**

**63840. ~~BATHROOMS AND TOILET ROOMS:~~ LOCATION AND ARRANGEMENT.**

**63941. ~~BATHROOMS AND TOILET ROOMS:~~ WINDOWS AND VENTILATION.**

**6402. ~~BATHROOMS AND TOILET ROOMS:~~ FLOORS.**

**FIRE AND PERSONAL SAFETY**

**6413. ~~FIRE AND PERSONAL SAFETY~~ SMOKE AND CARBON MONOXIDE DETECTORS.**

**OCCUPANCY REQUIREMENTS FOR HABITABLE ROOMS:**

**6424. ~~HABITABLE ROOMS:~~ ACCESS TO SLEEPING ROOMS AND ROOMING UNITS.**

**6435. ~~HABITABLE ROOMS:~~ OCCUPANCY OF BASEMENTS AND CELLARS.**

**6446. ~~HABITABLE ROOMS:~~ CEILING HEIGHTS.**

**6457. ~~HABITABLE ROOMS:~~ TOTAL FLOOR AREA.**

**6468. ~~HABITABLE ROOMS:~~ SLEEPING ROOM AREA.**

**6479. ~~HABITABLE ROOMS:~~ WINDOW AREA. NATURAL ILLUMINATION.**

**64850. ~~HABITABLE ROOMS:~~ VENTILATION.**

**LEAD HAZARDS:**

**64951. ~~LEAD HAZARDS.~~**

**PEST CONTROL:**

**6502. ~~RODENT AND PEST VECTOR CONTROL:~~ PROTECTION.**

**6513. ~~RODENT AND PEST VECTOR CONTROL:~~ MAINTENANCE.**

**6524. ~~RODENT AND PEST VECTOR CONTROL:~~ RESPONSIBILITY FOR GENERAL MEASURES.**

**REFUSE:**

**6535. ~~REFUSE:~~ FACILITIES REQUIRED.**

**6546. ~~REFUSE:~~ RESPONSIBILITY FOR PROPER STORAGE AND DISPOSAL.**

**GENERAL ROOMING HOUSES REPAIR AND MAINTENANCE:**

**655. ~~GENERAL REPAIR AND MAINTENANCE.~~**

~~6567. GENERAL MAINTENANCE: ROOMING HOUSES.~~

GENERAL SANITATION:

~~6578. GENERAL SANITATION: UNIT OCCUPANT RESPONSIBILITY.~~

~~6589. GENERAL SANITATION: OWNER RESPONSIBILITY FOR SHARED OR PUBLIC AREAS.~~

GENERAL REQUIREMENTS FOR ALL HOUSING

~~659. VARIANCES.~~

~~660. OCCUPANCY AND LETTING OF DWELLING UNITS AND ROOMING UNITS. UNIT VACANCY AFTER VIOLATIONS HAVE BEEN CITED~~

661. FACILITIES AND SERVICES.

662. DISCONTINUANCE OF SERVICES.

663. VARIANCE REQUESTS.

UNCONSTITUTIONALITY CLAUSE AND REPEALER:

6634. UNCONSTITUTIONALITY CLAUSE.

~~664. PENALTIES.~~

665. REPEALER

## ARTICLE VI. HOUSES AND COMMUNITY ENVIRONMENT

### ADMINISTRATION:

#### 601. PURPOSES.

The purposes of Article VI are to:

Provide regulations that establish minimum standards governing utilities, facilities and other physical factors essential to make dwellings safe, sanitary and fit for human habitation;

Establish minimum standards governing the condition and maintenance of dwellings and premises affecting or likely to affect residents of Allegheny County;

Establish certain responsibilities and duties of owners, operators and occupants of dwellings, vacant lots or premises, and commercial properties, whether occupied or unoccupied;

Establish permit requirements for the operation of rooming houses;

Authorize preliminary area surveys of dwellings, the inspection of dwellings or other premises and vacation or removal of dwellings unfit for human habitation; and

Provide penalties for violations of this Article.

#### 602. STATEMENT OF POLICY.

The establishment and maintenance of proper housing standards and the rehabilitation of housing to meet these standards are essential to the public health, safety and welfare. Inadequate provisions for light and air, insufficient protection against fire, unsanitary conditions, improper heating, overcrowding, misuse, dilapidation and disrepair of dwellings and other premises, and the occupancy or existence of dwellings unfit for human habitation endangers the health, safety, and welfare of the community.

#### 603. EFFECTIVE DATE.

The provisions of this Article will become effective ~~June 15, 1996~~ except that: July 1, 2024.  
October 1, 2024.

A. ~~Section 627, 628B, 641A,B,C, 660B, shall become effective January 1, 1997.~~

B. ~~Section 635C 646B-C shall become effective June 1, 1997.~~

#### 604. DEFINITIONS. The following terms when used in this Article have the meanings indicated in this section, except where the context indicates a clearly different meaning.

**ABATEMENT - any measure or set of measures designed to permanently and safely eliminate lead-based paint hazards.**

~~ARTICLE III - Allegheny County Health Department, Rules and Regulations, "Food Protection.~~

~~ARTICLE VIII - Allegheny County Health Department, Rules and Regulations, "Solid Waste and Recycling Management."~~

~~ARTICLE XI - Allegheny County Health Department, Rules and Regulations, "Hearings and Appeals."~~

**ARTICLE XV** - Allegheny County Health Department, Rules and Regulations, "Plumbing and Building Drainage."

**ARTICLE XVI** - Allegheny County Health Department, Rules and Regulations, "Environmental Health Civil Penalties."

**BASEMENT** - A story partly below ground of which one-half (1/2) or more of the clear floor to ceiling height is above the average level of the adjoining ground.

**CARBON MONOXIDE DETECTOR - An alarm initiating device that detects the presence of carbon monoxide gas.**

**CELLAR** - A story of which more than one-half (1/2) the clear floor to ceiling height is below the average level of the adjoining ground.

**CHEWABLE SURFACES** - ~~Include but are not limited to window sills, chair rails, furniture or other surfaces that are accessible to a child.~~ **Any interior or exterior surface painted with lead-based paint that a young child can mouth or chew.**

**CLASS 1 VIOLATION or EMERGENCY CONDITION - A condition which poses a real and immediate threat to life, health and safety of the occupant and/or the general public, or deems it unfit for human habitation.**

**CLASS 2 VIOLATION- A major health hazard.**

**CLASS 3 VIOLATION - A condition which represents a hazard or nuisance that poses a risk to health.**

**CLASS 4 VIOLATION - Any other condition which constitutes a violation of this Article and which contributes to substandard housing, but is not utilized to determine a property unfit for human habitation.**

**CLASS U VIOLATION – Any other condition which constitutes a violation of this Article but does not contribute to the habitability of a dwelling or dwelling unit and is not utilized to determine a property to be unfit for human habitation.**

**COMMUNICATING CORRIDOR** - In a dwelling unit, an enclosed passageway connecting a habitable room with another habitable room, toilet room or bathroom; in a rooming house, an enclosed passageway that connects a habitable room with another habitable room in the same rooming unit or with a toilet room or bathroom used by the occupant of the habitable room.

**DEMOLITION - The dismantling, razing, destroying or wrecking of any building or structure or any part thereof.**

**DEPARTMENT** - The Allegheny County Health Department.

**DETERIORATED PAINT - Interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.**

**~~DIRECTOR~~** – ~~The Director of the Allegheny County Health Department or the Director's authorized representative.~~

**DOMESTIC ANIMAL** - Any animal or bird, including normally wild birds or animals, maintained and/or confined by any person, including but not limited to dogs, cats, livestock, pigeons or other

fowl and rabbits.

**DWELLING** - Any building or structure, or part thereof, which is occupied, intended or designed to be occupied as the residence or sleeping place of one (1) or more persons, including a mobile home, but excluding a trailer. A dwelling may include one (1) or more dwelling units or rooming units or a combination of both.

**DWELLING OR DWELLING UNIT UNFIT FOR HUMAN HABITATION** - ~~A dwelling or a dwelling unit, which has one (1) Class 1 or two (2) Class 2 and one (1) Class 3, or one (1) Class 2 and three (3) Class 3 violations or five (5) Class 3 violations as described in this Article. A dwelling or dwelling unit declared or certified as unfit for human habitation shall be declared or certified as fit for human habitation when all Class 1, 2, and 3 violations that certified the dwelling or dwelling unit unfit for human habitation have been corrected.~~ **A dwelling or dwelling unit which is so damaged, decayed, dilapidated, unsanitary, difficult to heat, unsafe or vermin infested, that it creates a hazard to the safety or welfare of the occupants or the public; or which lacks illumination, ventilation or sanitary facilities adequate to protect the safety or welfare of the occupants or the public; or which, because of its general condition or location, is unsanitary or otherwise dangerous to the safety or welfare of the occupants or the public.**

**DWELLING UNIT** - A room or group of rooms located within any dwelling and forming a single habitable unit with facilities for living, sleeping, cooking, eating, bathing, toilet use, and personal hygiene.

~~**EXTERMINATION** - The control and elimination of insects, rodents or other pest vectors by eliminating their harborage places, by removing or making inaccessible material that may serve as their food by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Director.~~

**FALL PREVENTION DEVICE** - **A mechanism manufactured and designed to safely prevent an operable window from opening to allow a four (4) -inch diameter sphere to pass through where the openings are in their largest position and with the intention of preventing small children from falling out of open windows.**

**FRICION SURFACE**- **Interior or exterior surface that is subject to regular abrasion or contact, including, but not limited to, certain window, floor, railing and stair surfaces.**

**GARBAGE** - Animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

**GUARD**- **A building component or a system of building components located at or near the opposite sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.**

**HABITABLE ROOM** - A room or enclosed floor space occupied or intended to be occupied for living, sleeping, cooking or eating purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, public halls, communicating corridors, closets and storage spaces.

**HAZARD** – **Any condition which poses a threat to the health or safety of another person.**

**HEATING SEASON** - The period from October first to May thirty-first of the following year.

**IMPACT SURFACE** – **Any interior or exterior surface that is subject to damage by repeated sudden force such as, but not limited to, certain parts of doors and door frames.**

**INFESTATION** - The presence within, around or near a dwelling or premises used by or open to the public of any insects, rodents, animals, birds or other pests ~~vector~~ where this presence

creates a nuisance, or actual or potential health hazards to the occupants or users of the premises.

**INTERIM CONTROLS - A set of measures designed to temporarily and safely reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.**

**LEAD-BASED PAINT** - Paint or other surface coatings that contain lead in excess of one (1.0) milligram per centimeter squared (mg/cm)<sup>2</sup> or five-tenths (0.5) percent by weight or, in the case of paint or other surface coatings, such lower level as may be established by the **Director Department**.

**LEAD-BASED PAINT HAZARD** - Any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorating or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by the appropriate federal agency.

**LET** - To lease or grant the use and possession of real property whether or not for compensation.

**LIGHT HOUSEKEEPING UNIT** - ~~A rooming unit containing a minimum of one hundred and fifty (150) square feet and not more than two hundred and fifty (250) square feet of habitable area, which forms a single habitable unit for occupancy by no more than one (1) person. A light housekeeping unit is constructed with facilities for living and sleeping, including minor facilities for cooking and eating, which includes a sink with hot and cold running water, an approved cooking device not exceeding two (2) burners and a cabinet for the storage of food and utensils.~~

**LONG-TERM NURSING CARE FACILITY** - A facility licensed by the ~~Pennsylvania Department of Health~~ **the Commonwealth of Pennsylvania** that provides medical services and skilled or intermediate nursing care, or both levels of care, to two **(2)** or more patients who are unrelated to the nursing home administrator, for a period exceeding 24 hours.

**MOBILE MANUFACTURED HOME** - A transportable single family dwelling intended for permanent occupancy and constructed as a single unit, designed for repeated towing, or as two **(2)** or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MULTIPLE DWELLING** - A building containing ~~more than two~~ **two (2) or more** dwelling units.

**NUISANCE** - Those conditions or activities identified by the ~~Director~~ **Department** which create an environment actually or potentially attractive to a pest, or create an actual or potential health hazard, or which have an adverse impact on the property or premises of another person.

**OCCUPANT** - ~~Any person who lives, sleeps, cooks in a dwelling unit or who lives or sleeps in a rooming unit.~~ **Any individual living or sleeping in a building, or having possession of a space within a building.**

**OFFENSIVE MATERIAL - Any solid, liquid, or gaseous substance which is perishable, noxious, combustible, or flammable, and or otherwise creates a hazard.**

**OPERATOR** - Any person, whether or not the owner, who has charge, care or control of a ~~rooming house.~~ **Any person or entity who has charge, care or control of a structure or premises which is let or offered for occupancy.**

**OWNER** – Any person, ~~who alone or jointly or severally with others:~~ agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

~~Has title to a dwelling, either with or without possession of the dwelling; or~~

~~Has charge, care, or control of a dwelling, including but not limited to an agent of the owner or an administrator, administratrix, executor, executrix or guardian of the estate of the owner; or~~

~~Is the lessee of the whole dwelling where the dwelling is a two (2) family dwelling, multiple dwelling or rooming house; or~~

~~Collects rent for a dwelling unit on behalf of or in place of an owner.~~

This does not include any courts of the Commonwealth of Pennsylvania or of the United States Government, nor does it include sheriffs, constables, prothonotaries or clerks of the courts.

**PERSON** - A natural person, corporation, partnership or association.

~~**PERSONAL CARE HOME** – A facility licensed by the Pennsylvania Department of Public Health Welfare in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.~~

**PEST MANAGEMENT-** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible material that may serve as their food or water sources; or by other approved pest elimination methods that will not be injurious to human health.

~~**PESTS VECTOR-** Animals, birds or insects which by their existence or population density in a given area create a nuisance- or transmit disease.~~

**POTABLE WATER** - Water with bacteriological and chemical quality conforming to the requirements of public health service drinking water standards or the regulations of the public health authority having jurisdiction.

**PREMISES** - A lot, plot, parcel of land, easement or public way, including any structure thereon.

**PUBLIC SERVICE ROOMING HOUSE** - Any rooming house as defined in this Article operated by any school, hospital, government, or any benevolent, educational, philanthropic, humane, patriotic, religious, scientific or eleemosynary organization which offers its services or facilities for free or at a nominal rate to the public in order to act in relief of the public burdens or for the advancement of the public good. This definition does not include any association whose benefits and benevolence are restricted to its members or to a particular person or donor, rather than to the public at large.

**PUBLIC WAY** - Any street, alley or other parcel of land open to the outside air leading to a public street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and that has a clear width and height of not less than 10 feet.

**RECONSTRUCTION** - Any construction, renovation or alteration of an existing rooming house that causes a change in the number, size, window area, ventilation, ceiling height or required electrical service to a rooming unit or bathroom. Reconstruction also refers to any change in the required number of bathroom fixtures, removal or change in any required means of egress from or access to the rooming house or rooming units. Reconstruction does not include repairs to a rooming house or rooming unit for maintenance or replacement of existing fixtures or equipment.

**REFUSE** - All ~~putrescible~~ **perishable** and ~~nonputrescible~~ **imperishable** solids, except body wastes, including garbage, ~~rubbish~~, ashes, and dead animals. **Includes combustible waste such as paper, cardboard, plastic containers, vehicle tires, yard clippings, wood and similar materials and noncombustible wastes including tin cans, glass crockery and similar materials.**

**RESPONSIBLE PARTY** - Including but not limited to the owners, owner of record, equitable owner, **operator**, executor, trustee, tenant, occupant or user, any of whose action or inaction has led to or contributed to a nuisance or actual or potential ~~health~~ hazards.

**ROOMING HOUSE** - Any dwelling or part of any dwelling that contains one (1) or more rooming units, which space the operator has let to four (4) or more persons who are not related by blood, marriage or adoption, ~~exclusive of original servants~~, including boarding homes, whether or not operated for profit. A dwelling occupied by a group of not more than three (3) persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit and sharing common facilities as considered appropriate for a family related by blood, marriage or adoption is not considered a rooming house under this definition.

**ROOMING UNIT** - A room or group of rooms located within any dwelling and forming a single habitable unit with facilities for living and sleeping, but not for cooking or ~~eating purposes~~.

~~**RUBBISH** - Nonputrescible solid wastes, excluding ashes, consisting of either combustible wastes including paper, cardboard, plastic containers, vehicle tires, yard clippings, wood and similar materials or noncombustible wastes including tin cans, glass crockery and similar materials.~~

**SMOKE DETECTOR** - An alarm initiating device that detects the visible or invisible particles of combustion.

**SPACE HEATER** - A self-contained heating device of either the convection or radiant types which are intended primarily to heat only one (1) room, two (2) adjoining rooms, or some other limited space.

**TOILET** - A water closet or a flush commode.

**605. ENFORCEMENT AUTHORITY AND INTERPRETATIONS.**

- A. The Department shall administer and enforce the provisions of this Article and any other rule or regulation of the Department.
- B. Any city, borough, or township in Allegheny County may enforce the provisions of this Article and the standards adopted by the Department so far as such enforcement does not interfere with enforcement and administration by the Department.
- C. When any dwelling contains both dwelling units and rooming units, the dwelling units shall comply with the applicable requirements of this Article for dwelling units and the rooming units shall comply with the applicable requirements of this Article for rooming units. When one (1) or more rooming units in a dwelling which contains both dwelling units and rooming units are let to four (4) or more persons who are not related by ~~husband and wife, son or~~

~~daughter, parent or grandparent, or sister or brother of the operator,~~ **blood, marriage, or adoption**, the part of the dwelling so used shall also comply with the applicable requirements of this Article for rooming houses.

- D. When any building is occupied in part as a dwelling and in part for industrial or commercial purposes, that part of the building occupied as a dwelling shall comply with the applicable requirements of this Article.
- E. A ~~mobile~~ **manufactured** home shall comply with all provisions of this Article, except when this Article is more stringent than the provisions of the United States Department of Housing and Urban Development's (HUD) "~~Mobile Home Construction and Safety Standards~~ **Office of Manufactured Housing Programs (OMHP)**, and the ~~mobile~~ **manufactured** home complies with those standards. In that case, the ~~Director~~ **Department** may waive those provisions of this Article which would require a manufactured home to meet a more stringent standard than that required by the HUD "~~Mobile Home Construction and Safety Standards~~ **OMHP**.
- F. Compliance with this Article does not ~~obviate~~ **eliminate** responsibility to comply with any other state, county or municipal law, code or regulation. If any law, code or regulation is more stringent than Article VI, the more stringent shall take precedence.

#### 606. ENTRY AND INSPECTION OF DWELLINGS AND PREMISES.

- A. Subject to the limitations of the Constitutions of the United States and of the Commonwealth of Pennsylvania, and in order to carry out the purposes and provisions of this Article, the ~~Director~~ **Department**, upon showing proper identification, may enter and inspect any dwelling or premises at all reasonable times and ~~in an emergency at any time~~ **in the event of an exigent public health emergency**. The owner, operator or occupant of any dwelling or premises shall give the ~~Director~~ **Department** free access for the purpose of such inspection. The operator of a rooming house shall maintain a means of access to all areas of the premises for the purpose of an inspection by the Department. **When a premises is occupied and the occupants refuse entry, the Department is authorized to gain entry upon showing a proper inspection warrant or by any remedy provided by law. In such cases where a premises is found to be unoccupied, except for emergencies, the Department shall make a reasonable attempt to locate the owner or operator of the premises and request entry.**
- B. The occupant of a dwelling unit, rooming unit or light housekeeping unit shall provide the owner or their authorized agent entry to the dwelling unit, rooming unit or light housekeeping unit at all reasonable times for the purpose of complying with any provision of this Article or with any other regulation of the Department.

#### 607. VIOLATIONS PENALTY NOTICE.

- A. When the ~~Director~~ **Department** determines that ~~there has been a violation of any provision of this Article or of any other Department regulation,~~ **a penalty is appropriate in response to a cited violation of any provision of this Article or any other Department regulation,** the **Department** shall give notice ~~of the violation~~ as follows to the ~~person~~ **party(ies)** responsible for compliance under ~~this Article~~ **the regulation**.
- B. The notice shall:
  - 1. Be in writing;
  - 2. Include a statement of the violation;

3. Specify a reasonable time for the performance of any act it requires; and
  4. Inform the ~~person~~ **party(ies)** responsible for compliance of his **their** right to an appeal.
- C. The notice shall be served:
1. By handing a copy to the responsible party(ies) personally, or by handing a copy to an adult person at the residence, **or place of business**, of the responsible party(ies) or an employee of the responsible party(ies); or
  2. By sending a copy to his **the** last known address **of the responsible party** by regular mail; or
  3. By posting a copy in a conspicuous place in or about the dwelling or premises; **or**
  4. **By delivering a copy in any other manner as prescribed by local law.**
- D. This Section shall not apply to Sections 60910, 616 through 619, 6435 and 660 of this Article.

**608. PENALTIES.**

- A. Summary Offenses-- Any person who violates any of the provisions of this Article or any Rule or Regulation of the Department, or who interferes with the Department or any other agent of the Department in the discharge of his official duties, shall, for the first offense, upon conviction thereof in a summary proceeding before any alderman or justice of the peace of Allegheny County, or before any police magistrate if such offense is committed in a city of the second class, be sentenced to pay the costs of prosecution and a fine of not less than \$30 dollars nor more than \$300 dollars and, in default thereof, to undergo imprisonment of not less than 10 days nor more than 30 days.**
- B. Misdemeanors-- Any person who violates any of the provisions of this Article or any Rule or Regulation of the Department, or who interferes with the Department or any other agent of the Department in the discharge of their official duties, convicted of a second or subsequent offense, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than \$500 dollars nor more than \$1,000 or to undergo imprisonment not exceeding one (1) year or both.**
- C. Separate Offenses-- For the purpose of this Section, violations on separate days shall be considered separate offenses. Each violation of any separate subsection or section of this Article shall constitute a separate offense.**
- 
- D. Civil Penalties-- Pursuant to the provisions of Article XVI "Environmental Health Civil Penalties", any person who violates any of the provisions of this Article may be assessed a civil penalty whether or not the violation is willful.**
- E. Other Remedies Provided by Law: In addition to the penalties provided in this Section, the Department may institute any appropriate action or proceeding at law or in equity to prevent or restrain a violation of this Article and in furtherance of the Department's mission to protect public health.**

**6089. APPEALS.**

Any person **or party(ies)** aggrieved by any action of the Department or by any order, notice,

decision, or determination issued by the Department may file an appeal in accordance with Article XI.

**60910. EMERGENCY ORDERS.**

When the ~~Director~~ **Department** determines that an emergency exists which necessitates immediate action to protect the public health, safety or welfare, the ~~Director~~ **Department** may, without prior notice, issue an order identifying the existence of the emergency and requiring whatever action the ~~Director~~ **Department** deems advisable to meet the emergency. An emergency order shall be effective when it is ~~served~~ **executed**, notwithstanding the provisions of Sections 607 and 6089, and shall be complied with immediately. Verbal orders issued under this Section shall be put into writing ~~within twenty four (24) hours and~~ **as soon as is reasonably possible and** served or communicated as required by Section 607.

**6101. NONCOMPLIANCE WITH ORDERS.**

In the event of the failure to comply with an order issued pursuant to any section of this Article, the ~~Director~~ **Department** may institute appropriate actions or proceedings at law or in equity to restrain, correct or abate the violation of the order, or the ~~Director~~ **Department** may cause the order to be carried out at the expense of the County. The County may recover the amount of the expense by an action provided by law or, where appropriate, in a manner provided by law for the collection of municipal claims.

**ROOMING HOUSE PERMITTING REQUIREMENTS:**

**6142. REQUIREMENTS FOR ROOMING HOUSE PERMITS.**

- A. No person **or entity** may operate a rooming house without a valid rooming house permit issued by the ~~Director~~ **Department**.
- B. Application for a rooming house permit shall be made by the operator to the ~~Director~~ **Department** ~~on forms furnished by the Department~~. The application shall include:
  - 1. The name, address and telephone number of the local operator, and the name, address and telephone number of the owner if the operator is not the owner;
  - 2. The location of the rooming house including the street and number of each entrance;
  - 3. The **proposed** number of rooming units ~~available~~ for occupancy and the **proposed** number of persons who may be accommodated in accordance with the provisions of this Article; and
  - 4. Any other information as the ~~Director~~ **Department** may require.
- C. A permit shall be issued by the ~~Director~~ **Department** to the operator upon reasonable proof:
  - 1. That the rooming house complies with the applicable provisions of this Article; and
  - 2. That there has been compliance with the provisions of ~~the applicable building code and zoning ordinance~~ **Allegheny County Health Department Rules and Regulations**.
- D. In the event a permit is denied, the ~~Director~~ **Department** shall give prompt written notice to the applicant and inform them of their right to an appeal.
- E. Each person **or entity** who applies for a permit shall be required to pay fees applicable to

the operation being applied for as set forth in the Housing Plan Review Fee Schedule.

~~F.~~ In the event a rooming house is subject to a fee for a food establishment pursuant to Article III, and in the event that the food establishment is used solely by the occupants of the rooming units, the fee required will be only the fee required by this Article.

~~G.~~ F. All permit, plan review, and inspection fees shall be set forth in a schedule as determined by the Director Department upon annual consultation with the Board of Health.

~~H.~~ G. The permit or facsimile shall be posted in a conspicuous place near the main entrance of the rooming house.

~~I.~~ H. The operator shall promptly notify the Director Department of any transfer of the premises to a new owner or operator.

~~J.~~ I. All public service rooming houses shall be fee exempt. Any rooming house seeking exemption pursuant to this Section shall make written application to the Director Department and shall provide proof of their qualification for exemption.

~~K.~~ J. All rooming houses which are hereafter constructed or reconstructed shall conform to the requirements of this Article. Properly prepared plans for all rooming houses which are hereafter constructed or reconstructed shall be submitted to the Director Department for approval.

~~L.~~ K. All rooming houses which are hereafter constructed or reconstructed shall have a potable water supply which meets at a minimum the standards promulgated under the Pennsylvania Safe Drinking Water Act of 1984, as amended, and the regulations adopted thereunder, and comply with required monitoring.

#### **6123. FAILURE OF OPERATOR TO OBTAIN A ROOMING HOUSE PERMIT.**

Any person or entity ~~who~~ that operates a rooming house without a valid permit issued by the Director Department, or who continues to operate a rooming house after the Director Department has revoked a permit, or who violates any other provision of Section 6142 is subject to prosecution in accordance with Section 66408, without the notice and appeal provided by Sections 607 and 6089.

#### **6134. SUSPENSION AND REVOCATION OF ROOMING HOUSE PERMITS.**

- A. When the Director Department determines that conditions or practices exist in the operation of a rooming house which is in violation of this Article, the Director Department shall give notice to the operator under the procedure provided by Section 607.
- B. If the Director Department determines that an emergency exists which necessitates immediate action to protect the public health, safety or welfare, the Director Department may suspend the rooming house permit upon notice to the operator until the suspension is lifted by action of the Board of Health or by compliance with the notice or order of the Director Department, or until the permit is revoked by failure to comply with the order of the Director Department.
- C. When a rooming house permit has been suspended or revoked, the operator shall immediately cease operation of the rooming house and no person may occupy any rooming unit within it.

#### **6145. REVIEW OF PLANS AND FEES FOR ROOMING HOUSES.**

- A. No rooming house shall be constructed or reconstructed, or no existing structure shall be converted to a rooming house, except in accordance with plans and specifications approved by the ~~Director~~ **Department**.
- B. When a rooming house is to be constructed or reconstructed, or when an existing structure is being converted to a rooming house, plans and specifications shall be submitted to the ~~Director~~ **Department** prior to such construction, reconstruction or conversion. These plans and specifications shall include:
  - 1. Floor plan(s) and elevations drawn to scale;
  - 2. **Window schedules showing dimensions;**
  - ~~2.~~ **3.** Payment of the appropriate fee(s) established by the ~~Director~~ **Department; and**
  - ~~3.~~ **4.** Any other information as the ~~Director~~ **Department** may require.
- C. When a plan is disapproved or determined to be incomplete, the ~~Director~~ **Department** shall notify the applicant and inform them in writing of the deficiency or reason for disapproval.
- D. Incomplete plans may be resubmitted for review with no additional fees. Disapproved plans may be resubmitted for review once without incurring additional fees.
- E. When plans are required as described in this section, an inspection by the Department shall be conducted prior to occupancy of any rooming unit. The applicant shall provide **at least 10 days notice to the** ~~Department at least ten (10) days notice~~ prior to the scheduling of such inspection.
- F. No refunds of fees will be made for plans which are incomplete or disapproved.

**~~615. VIOLATIONS, NOTICES AND HEARINGS ON DWELLINGS UNFIT FOR HUMAN HABITATION~~**

- ~~A. When the Director determines that a dwelling is unfit for human habitation, the Director shall give notice to the owner to repair or alter the dwelling. An "Unfit for Human Habitation" notice is issued when a dwelling unit has one (1) Class 1, or two (2) Class 2 and one (1) Class 3, or one (1) Class 2 and three (3) Class 3, or five (5) Class 3 violations. The notice and service that a dwelling is unfit for human habitation shall be made in accordance with Section 607.~~
- ~~B. Class 1, 2 and 3 violations shall be identified as follows:
 
  - ~~1. Class 1 Violation - An emergency condition which poses a real and immediate threat to the life, health and safety of the occupant(s) and shall include but is not limited to:
 
    - ~~1.1 Carbon Monoxide Hazard: Carbon Monoxide is present in concentrations of thirty five (35) parts per million (ppm) or greater at any time.~~
    - ~~1.2 Gas Leak: Noticeable gas odors are present.~~
    - ~~1.3 Severe Electrical Condition: Arcing, readily accessible bare live electrical wires, heat felt through wall or cover plate.~~
    - ~~1.4 No Heat: The majority of habitable rooms and bathrooms are at sixty (60) degrees Fahrenheit or below measured in accordance with procedures outlined in Section 629F.~~~~~~

- ~~1.5 — Severe Structural Deficiencies: Obvious recent movement in foundation, bearing walls, roof or flooring with a significant risk of caving in or collapse.~~
- ~~1.6 — Lead Hazards: Presence of lead-based paint or lead-based paint hazards, a confirmed elevated blood lead level of seventy (70) micrograms per deciliter (ug/dl) in children less than seventy-two (72) months old or in pregnant women, and no other source of lead poisoning.~~
- ~~1.7 — Massive Rat Infestation: Rats present within the dwelling unit, e.g., live rats visible during daylight hours or evidence of a massive rat infestation.~~
- ~~1.8 — No Water: Supplied to the dwelling unit.~~
- ~~2. — Class 2 Violation — Major health hazards are present, which include but are not limited to the following:~~
  - ~~2.1 — Carbon Monoxide Hazard: Existence of a fuel source connected unapproved, unvented, improperly vented or backdrafting furnace, space heater, or water heater; existence of obstructed chimney or flue; presence of a fuel conservation device not approved by the American Gas Association; flue pipes not connected to the chimney or with holes; furnace blower compartment cover missing; non-direct vent fuel burning furnace or water heater installed in bathroom or bedroom.~~
  - ~~2.2 — Missing or Inoperable Sanitary Facilities: Dwelling unit, light housekeeping unit or rooming unit lacks access to operating toilet.~~
  - ~~2.3 — Uncontained Sewage: Occupants exposed to raw sewage (owner responsibility).~~
  - ~~2.4 — Insufficient Heat: The majority of habitable rooms and bathrooms below sixty-five (65) degrees Fahrenheit but above sixty (60) degrees Fahrenheit measured in accordance with procedures outlined in Section 629F.~~
  - ~~2.5 — Polluted Water Supply: Water supply does not meet the standards promulgated under the Pennsylvania Safe Drinking Water Act of 1984, as amended.~~
  - ~~2.6 — Massive Pest Vector Infestation: Rodent, insect or other pest vector populations present within the dwelling, e.g., cockroaches underfoot, or evidence of massive active pest infestation.~~
  - ~~2.7 — Discontinued Gas or Electrical Service: Gas or electricity shut off to the dwelling due to a service malfunction or unpaid bills in the name of the owner or a bill whose charges include areas serviced beyond the control of a single tenant.~~
  - ~~2.8 — Lead Hazard: Presence of lead-based paint or lead-based paint hazards, a confirmed elevated blood lead level of forty-five (45) to sixty-nine (69) micrograms per deciliter (ug/dl) in children less than seventy-two (72) months old or in pregnant women, and no other source of lead poisoning.~~
  - ~~2.9 — Major Structural Defect: Stairs or porch in danger of collapse, signs of obvious movement or unable to bear weight of occupants safely.~~
- ~~3. — Class 3 Violation — Other health hazards are present, including but not limited to the~~

following:

- 3.1 ~~Carbon Monoxide Hazard: Improper chimney height; chimney with missing or loose bricks; lack of or inadequate makeup air; existence of operable but not operating unapproved, or improperly vented furnace, space heater, or hot water heater.~~
- 3.2 ~~Heating Problems: One (1) or more habitable rooms, including bathrooms, without an approved operable means of heat or without adequate heat (i.e., below sixty five (65) degrees Fahrenheit) measured in accordance with procedures outlined in Section 629F.~~
- 3.3 ~~Improper Fuel Burning Appliance: Lack of or inoperable automatic pilot; an inaccessible shutoff valve; space heater in boarding home or institution.~~
- 3.4 ~~Electrical Problems: Extension cord wiring, or frayed wires, or other dangerous wiring condition; inadequate outlets; improperly grounded electrical systems.~~
- 3.5 ~~Water Supply: Water not supplied to all fixtures. Water volume less than two (2) gallons per minute.~~
- 3.6 ~~Lack of Hot Water: No hot water supplied to kitchen or bathroom.~~
- 3.7 ~~Lead Hazards: Presence of lead based paint or lead based paint hazards, a confirmed elevated blood level of twenty to forty four (20-44) micrograms per deciliter (ug/dl) in children less than seventy two (72) months old or in pregnant women, and no other source of lead poisoning.~~
- 3.8 ~~Malfunctioning Sewage Facility: Leaking sewer, soil pipe, traps or waste pipe; on lot sewage disposal system discharges.~~
- 3.9 ~~Defective Plumbing: Direct cross connection; broken, obstructed, or leaking waterline causing major structural damage (falling plaster, foundation movement, etc.); an inoperable required fixture; required fixture lacks hot or cold running water; presence of defective toilet or water heater; water heater improperly installed; dwelling unit lacks operating bathtub/shower or lavatory sinks; dwelling unit or rooming house common kitchen lacks kitchen sink.~~
- 3.10 ~~Ventilation Deficiencies: Insufficient natural ventilation (openable window area less than four (4) percent of floor area) or lack of or insufficient mechanical ventilation (minimum air changes per hour: kitchen 3, bathrooms 6 habitable rooms 2).~~
- 3.11 ~~Structural Defects: Missing, loose, weak, rotted or unevenly spaced stair treads; missing handrail on stairs of three (3) or more steps; missing banisters or balustrades farther than three and one half (3 1/2) inches apart on porches, balconies or decks which are thirty (30) or more inches above the ground; one (1) square foot or more of the floor area will not safely bear the weight of an occupant; appurtenance, porch or balcony sagging or pulling away; missing or rotted column or support; missing or broken floor boards in areas accessible to an occupant; ceiling or wall surfaces sagging, broken, loose or falling of four (4) square feet or more in area; leaking roof with presence of water or water damage.~~
- 3.12 ~~Defects and Openings: Missing exterior door or window; hole through foundation, exterior wall or structure that is four (4) inches or more in diameter;~~

~~air infiltration through gaps, broken or missing window glass or spaces around window sashes of one-half (1/2) inch or more during the heating season.~~

~~3.13—Major Pest Vector Problem: Evidence of major rodent or other pest vector infestation within the structure.~~

~~3.14—Inadequate Bathroom: Dwelling unit lacks private bathroom; rooming house or light housekeeping shared bathroom only accessible through rooming unit or light housekeeping unit; inadequate number of bathroom fixtures in rooming house or boarding home.~~

~~3.15—Use and Occupancy: Occupancy of cellar or basement dwelling unit, rooming unit or light housekeeping unit with improper drainage, construction, dampness, ventilation, egress, ceiling height or no access to bathroom.~~

~~3.16—Obstructed Egress: Hallway or stairwell obstructed preventing egress (owner responsibility).~~

~~C. Class 4 violations are any other conditions which constitute a violation of this Article and which contribute to substandard housing but are not utilized to determine a property unfit for human habitation.~~

#### **VACATION, DEMOLITION, EMERGENCY VACATION OF A DWELLING:**

##### **616. VACATION OF A DWELLING.**

If an owner fails to comply with an order to repair or alter a dwelling ~~that is unfit for human habitation,~~ **or where emergency conditions exist**, the Director **Department** may issue a further written order requiring all occupants to vacate the dwelling. Service of the order shall be made in accordance with Section 620. Upon issuance of an order to vacate, the Director **Department** may placard the dwelling ~~as unfit for human habitation~~ **to order vacation**. The tenant or owner of the dwelling shall be liable for failure to vacate the dwelling as required by this Section.

##### **617. DEMOLITION OF A DWELLING.**

The Director **Department** may make periodic inspections of any dwelling **ordered to be vacated in accordance with Section 616, or any other vacant dwelling** ~~as unfit for human habitation or any other vacant dwelling.~~ When an inspection of a dwelling ~~discloses~~ **reveals** that the dwelling ~~has become~~ **is** a public nuisance or a serious hazard to the health, safety or welfare of the public, the Director **Department** may issue an order requiring the owner, within a reasonable time specified in the order, to remove or demolish the dwelling. This removal or demolition shall be performed in compliance with all applicable regulations and standards set forth by the Director **Department to include Articles XXI and XV**. Service of the order shall be made in accordance with Section 620. Any person aggrieved by the order may file an appeal in accordance with Article XI.

##### **618. EMERGENCY VACATION OF A DWELLING.**

When the Director **Department** determines that an emergency exists which, for the protection of the public health, safety or welfare, necessitates the vacation of a dwelling ~~unfit for human habitation~~ the Director **Department** may without prior notice issue an order identifying the existence of the emergency and requiring whatever action the Director **Department** deems advisable to meet the emergency. The order shall be effective upon service and shall be complied with as specified in the order. If the owner fails to comply with the order, the Director **Department** may issue a further order requiring all occupants to vacate the dwelling ~~and may also placard the dwelling as unfit for human habitation.~~ Service of any order required by this

Section shall be made in accordance with Section 620.

**619. CHANGES IN RULES AND REGULATIONS FOR ALTERATION, DEMOLITION, VACATION AND EMERGENCY VACATION OF A DWELLING.**

The ~~Director~~ **Department** may enforce any order issued under Sections 615~~6~~ through 620 on alteration of a dwelling, for the vacation of a dwelling, for the demolition of a dwelling, or for the emergency vacation of a dwelling in accordance with Section 610~~1~~ regarding noncompliance with orders.

**620. SERVICE AND POSTING OF NOTICES AND ORDERS FOR ALTERATION, DEMOLITION, VACATION AND EMERGENCY VACATION OF A DWELLING.**

- A. Every notice or order required by Sections 616 through 619 shall be served in the following manner:
1. By handing a copy to the responsible party(ies) personally, or by handing a copy to an adult person at the residence of the responsible party(ies) or an employee of the responsible party(ies); or
  2. By sending a copy to the last known address of the owner by regular mail; or
  3. By presenting a copy to the agent of the owner, to the operator, or to an adult occupant of the dwelling; or
  4. **By delivering a copy in any other manner as prescribed by local law.**
- B. In addition, a copy of the notice or order shall be posted in a conspicuous place on the dwelling.

**GENERAL STRUCTURE AND PREMISES:**

**621. ~~GENERAL STRUCTURE:~~ RESPONSIBILITY FOR COMPLIANCE.**

The responsibility for compliance with the applicable requirements of Sections 622 through 625 shall be upon the owner or operator.

**622. ~~GENERAL STRUCTURE:~~ PRINCIPAL MEMBERS COMPONENTS.**

Every exterior wall, roof and foundation shall be weathertight and watertight. Every floor, wall and ceiling shall be sound and tight. All ~~members~~ components of the structure shall be kept in good repair and in safe condition.

**623. ~~GENERAL STRUCTURE:~~ STAIRS AND PORCHES WALKING SURFACES.**

- A.** Every inside and outside stairway, every porch and every other appurtenance to the structure shall be so constructed as to be safe for use, shall be kept in sound condition and good repair.
- B.** The Director may require that any inside or outside stairways have at **Every interior and exterior stairway having four (4) or more risers shall have at least one (1) well-secured handrail, which extends the full length of the stairway, when it is deemed necessary for safe passage. Handrails shall not be less than 30 inches in height or more than 42 inches in height measured vertically above the nosing of the tread or above the floor of the**

landing.

- C. Every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface that is 30 inches above the floor or grade below must have guards. Required guards shall not be less than 30 inches in height over the floor of the walking surface. Required guards shall not have openings that allow passage of a sphere four (4) inches in diameter from the walking surface to the required guard height.**
- D. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.**

**624. GENERAL STRUCTURE: OPENINGS.**

- A. Every window, exterior door and basement hatchway shall be weathertight and watertight and shall be kept in sound working condition and good repair.**
- B. All entrance doors into a dwelling unit or rooming unit shall be equipped with a ~~latching or locking device~~ deadbolt lock designed to be readily operable from the side from which egress is to be made without the need for keys or special knowledge or effort, and that is maintained in good condition and shall secure the door tightly. The deadbolt shall have a minimum throw of one (1) inch and be installed in accordance with the manufacturer's instructions. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.**
- C. Every window, other than a fixed window, shall be easily operable and capable of being held in position by window hardware.**
- D. All exterior windows that are capable of being opened and all other potential means of egress shall be equipped with hardware for latching.**
- E. If the vertical distance from the top of the sill of an exterior window opening to the finished grade or other surface below is greater than 72 inches, and the vertical distance from the top of the sill to the floor of the room is less than 24 inches, the window shall have a fall prevention device installed in good working condition and in compliance with manufacturer instructions to prevent a small child from falling out of an open window. The fall prevention device for a window that provides access to a fire escape or is otherwise designated for emergency egress shall be designed for safe emergency egress without the need for a key, tool, or special knowledge.**

**625. GENERAL STRUCTURE: EGRESS.**

Every dwelling unit and every rooming unit shall have safe, continuous and unobstructed means of egress leading into the public way ~~a safe and open space at ground level.~~

**626. GRADING AND DRAINAGE**

Premises shall be graded and maintained to prevent the erosion of the soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**627. ACCESSORY STRUCTURES**

Every owner of a premises and every operator of a rooming house shall maintain the dwelling and premises, including all fences, enclosures and appurtenances, in sound condition and good repair.

**UTILITIES AND FIXTURES:**

**6268. UTILITIES AND FIXTURES: RESPONSIBILITY FOR COMPLIANCE.**

Except as provided in Section ~~62931~~, the responsibility for compliance with the applicable requirements of Sections ~~6279~~ through ~~6357~~ shall be upon the owner or operator.

**6279. UTILITIES AND FIXTURES: ELECTRICITY SUPPLY.**

Every dwelling unit and every rooming house within ~~three hundred (300)~~ feet of power lines shall be supplied with electricity. ~~In all cases electrical service shall be a~~ **Dwelling units shall be served by at least a three-wire, 120/240 volt, single phase electrical service having a minimum service rating of sixty (60) amperes.**

**62830. UTILITIES AND FIXTURES: ELECTRIC FIXTURES AND OUTLETS.**

- A. Every outlet and fixture shall be properly installed, maintained in good and safe working condition and connected to the source of electric energy in a safe manner. Every habitable room in a dwelling supplied with electric service shall contain at least two (2) separate baseboard or wall type electric convenience outlets or one (1) such convenience outlet and one supplied ceiling or wall type electric light fixtures or any other fixtures or devices as will provide equivalent electric service. All other rooms and every communicating corridor, public hall and stairway shall contain at least one ceiling or wall type electric light fixture or any other fixture or device as will provide equivalent electric service.
- B. **Every room containing a toilet, lavatory sink, bathtub, or shower stall shall contain not less than one duplex outlet.** Every duplex electric convenience outlet in a room containing a toilet, lavatory sink, bathtub, or shower stall shall be protected by a ground fault **circuit** interrupter.
- C. **Every room, including basements and cellars, containing a sink where an electrical convenience outlet is installed within six (6) feet of the outside edge of the sink and is readily accessible to occupants shall be protected by a ground fault circuit interrupter.**
- D. **Exterior convenience electrical outlets that are readily accessible to occupants shall be protected by a ground fault circuit interrupter.**
- E. Every hallway, communicating corridor, and stairway in every dwelling shall ~~every dwelling shall residential occupancies, other than in one (1) and two (2) family dwellings,~~ shall have **not less than a 60-watt standard incandescent light bulb or equivalent for each 200 square feet** which shall be provided at all times or shall have conveniently located light switches that can be turned on when needed. The ~~Director~~ **Department** may require the adequate lighting at all times of any public hall or stairway leading to one (1) or more dwelling units or rooming units in any building or structure occupied in part as a dwelling and in part for industrial or commercial purposes.

**62931. UTILITIES AND FIXTURES: HEATING.**

- A. Every dwelling occupied during the heating season shall have heating facilities which are properly installed, maintained in a safe and good working condition, and capable of safely and adequately heating all habitable rooms, rooms containing a toilet, bathtub or shower, communicating corridors within dwelling units, and community corridors within rooming houses from rooming units to rooms containing a toilet, bathtub or shower.
- B. A temperature of at least ~~sixty-eight (68)~~ degrees Fahrenheit shall be provided in all dwelling units regardless of thermostat location when the outside temperature is ~~ten (10)~~ degrees

Fahrenheit or above during the heating season.

- C. At no time shall the temperature in the areas specified in Section ~~62931~~**62931A** be less than ~~sixty-one (61)~~ degrees Fahrenheit when the outside temperature is below ~~ten (10)~~ degrees Fahrenheit.
- D. Responsibility for compliance with this Section shall be upon the owner or operator of any dwelling, dwelling unit, light housekeeping unit or rooming unit, except where the occupant of a dwelling unit agrees in writing to furnish the required heating devices. If an occupant has agreed to provide heating devices, the owner or operator shall provide sufficient flue connections, fuel connections and fuel storage facilities at convenient points so as to permit the proper installation of such heating devices.
- E. The ~~Director~~ **Department** may prohibit the use of any heating device which the ~~Director~~ **Department** has determined to be a danger to health or safety. **Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.**
- F. For the purposes of this Section, all temperatures shall be measured at a distance of at least three (3) feet above the floor level and no closer than two (2) feet from an outside wall.

**6302. UTILITIES AND FIXTURES: WATER SUPPLY.**

- A.** Every dwelling unit and rooming house shall be supplied with piped running potable water provided in accordance with the current International Plumbing Code ~~in an adequate amount to every required fixture connected with the water supply and drainage system, as provided in Section 615B.~~
- B.** Every dwelling within ~~two hundred and fifty (250)~~**150** feet of a public water supply shall be connected to that public water supply.

**6313. UTILITIES AND FIXTURES: WATER HEATING FACILITIES.**

- A.** Every dwelling shall have water heating facilities which are properly installed, maintained in safe and good working condition, and properly connected with the water supply system required in Section ~~6302~~.
- B.** Hot water shall be provided at a temperature of not less than ~~one hundred and ten (110)~~ degrees Fahrenheit measured at the tap. ~~Hot water shall be provided in an adequate amount at every required kitchen sink, lavatory basin, bathtub, or shower as provided in Section 615B.~~
- C.** **A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided.**

**6324. UTILITIES AND FIXTURES: INSTALLATION AND MAINTENANCE.**

- A.** Every gas pipe, water pipe, waste pipe, drain, vent, gas burning fixture, any required fixture connected with the water supply and drainage system, together with all connections to water, sewer or gas lines, shall be cleanable and shall be installed and maintained in good, sanitary condition, free from defects, leaks and obstructions, and in accordance with the Rules and Regulations of the Department **and current International Fuel and Gas Code**. Any fixture required by this Article connected to the water supply system and/or sewerage system shall comply with the requirements of Article XV. Every kitchen sink, lavatory basin, bathtub, or shower required in Sections ~~6335~~ through ~~6357~~ shall be supplied with hot and cold piped

running water.

- B. Every dwelling or rooming house shall have an approved operating sewage disposal system as required by state and county regulations.
- C. Every dwelling unit shall have adequate connections located in the kitchen for the safe and efficient installation and operation of a stove for the preparation and cooking of food.
- D. **Clothes dryer exhaust systems shall be independent of all other ventilation and exhaust systems and shall be exhausted outside the structure or in accordance with the manufacturer's instructions.**

**6335. UTILITIES AND FIXTURES: KITCHEN SINKS.**

Every dwelling unit or rooming house where a common kitchen is provided shall contain an installed kitchen sink in the kitchen. Cabinet units in which kitchen sinks are installed shall be maintained in good repair.

**6346. UTILITIES AND FIXTURES: TOILETS, LAVATORY BASINS AND BATHTUBS OR SHOWERS IN DWELLING UNITS.**

Every dwelling unit shall be provided with at least one (1) toilet, one (1) lavatory basin and one (1) bathtub or shower within the dwelling unit. **The lavatory basin required in this section must be in addition to the kitchen sink required in Section 635.**

**6357. UTILITIES AND FIXTURES: TOILETS, LAVATORY BASINS AND BATHTUBS AND SHOWERS IN ROOMING HOUSES AND FOR LIGHT HOUSEKEEPING UNITS.**

- A. There shall be at least one (1) toilet, **and** one (1) lavatory basin, **for every ten (10) persons or fraction thereof. There shall be at least** ~~and one (1) bathtub or shower for each six (6) **eight (8)** persons or fraction thereof. including members of the operator's family whenever they share the use of these facilities.~~ In a rooming house where rooming units are let only to males, flush urinals may be substituted for not more than ~~one third (1/3)~~ **one-half (1/2) of** the required number of toilets. When multiple toilets exist within the same room each toilet shall be enclosed within its own privacy stall.
- B. In any dwelling in which toilets, lavatory basins, bathtubs or showers are shared by the occupants of more than one (1) light housekeeping unit or rooming unit, such facilities shall be readily accessible and so located as not to require going through another light housekeeping unit or rooming unit.
- C. Rooming houses ~~permitted~~ **licensed** as nursing homes or personal care boarding homes by the Commonwealth of Pennsylvania ~~need only~~ **shall** comply with the standards set forth by the Commonwealth.

**RESPONSIBILITY OF OCCUPANT AND LANDLORD:**

**6368. OCCUPANT RESPONSIBILITY.**

- A.** Every occupant of a dwelling unit shall keep all electric, heating and water supplied fixtures and all other facilities in a clean and sanitary condition and shall exercise reasonable care in their proper use and operation.
- B.** **The occupant shall report unsafe or unhealthy conditions that may require repair to the owner in a timely manner.**

- C. The occupant shall work with the owner to ensure pest-free conditions in accordance with integrated pest management.**
- D. The occupant shall keep personal property in such a manner as to allow for clear egress from all rooms in the event of an emergency.**
- E. The occupant shall not hang or place personal property in such a way as to obstruct, block, or conceal an exit.**
- F. The occupant shall keep personal property free and clear from the front of any boilers, furnaces or water heaters by a distance of at least 30 inches. The owner or operator shall keep the area in front of any boilers, furnaces, or water heaters free and clear by at least 30 inches from any property for which they are responsible.**
- G. No occupant shall permit, deposit, store, or hold any offensive material on or in any dwelling unless such material is so stored, screened, covered, handled or placed so as not to create a hazard. All containers storing such material shall completely confine the material.**

**6379. LANDLORD RESPONSIBILITY.**

No person shall occupy or let to another for occupancy any dwelling, dwelling unit, light housekeeping unit or rooming unit which does not comply **The responsibility for compliance with the applicable requirements of Sections 63840 through 64850 shall be upon the owner or operator.**

**BATHROOMS AND TOILET ROOMS:**

**63840. BATHROOMS AND TOILET ROOMS: LOCATION AND ARRANGEMENT.**

All toilets, bathtubs and showers shall be located within the dwelling unit in rooms which afford privacy. Bathtubs and showers need not be located in the same room as toilets but every room which contains a toilet shall have readily accessible lavatory facilities. No toilet may be located in a sleeping room.

**63941. BATHROOMS AND TOILET ROOMS: WINDOWS AND VENTILATION.**

Every bathroom and toilet room shall comply with the window area and ventilation requirements for habitable rooms contained in Sections 6479 and 64850 unless a mechanical ventilation duct directly to the outdoors is provided. ~~Ventilation shall comply with the requirement for air changes specified in Section 645B.~~ **Air exhausted by a mechanical ventilation system from a bathroom or toilet room must provide a minimum of six (6) air changes per hour, and shall discharge to the outdoors, and shall not be recirculated.**

**6402. BATHROOMS AND TOILET ROOMS: FLOORS.**

Every bathroom, toilet room and shower room floor shall be so constructed and maintained ~~as to be reasonably impervious to water~~ **to be a smooth, hard, nonabsorbent surface** and capable of being kept in a clean and sanitary condition at all times.

**FIRE AND PERSONAL SAFETY**

**6413. FIRE AND PERSONAL SAFETY SMOKE AND CARBON MONOXIDE DETECTORS.**

A. Single and multiple-station smoke detectors shall be of an approved type and shall be installed and maintained in full operating condition in accordance with **manufacturer's instructions and** the provisions of this Article as follows:

1. **Rooming Houses** - Single or multiple-station smoke detectors shall be installed and maintained in the following locations:

- 1.1. In all sleeping rooms;
- 1.2. In every room in the path of the means of egress from a sleeping room to the door leading from the rooming unit; and
- 1.3. In each story within the rooming house, including basements and cellars.

2. **Dwelling Units of Multiple Dwellings** - Single or multiple-station smoke detectors shall be installed and maintained in the following locations:

- 2.1. **At or within** ~~In the~~ **21 feet of the door measured along the path of travel** ~~immediate vicinity of~~ **from** every sleeping room; and
- 2.2. In each story within the dwelling unit, including basements and cellars.

3. **Dwelling Units in Dwellings Containing Two (2) or Less Dwelling Units** - Single or multiple-station smoke detectors shall be installed and maintained as follows:

- 3.1. **At or within** ~~In the~~ **21 feet of the door measured along the path of travel** ~~from~~ every sleeping room; and
- 3.2. In each story within the dwelling unit, including basements and cellars.

4. **Exceptions:**

- 4.1. In rooming units and dwelling units with split levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one (1) full story below the upper level.
- 4.2. In structures equipped throughout with an approved automatic sprinkler system, smoke detectors are not required in sleeping rooms equipped with residential sprinklers.

B. Every owner and operator shall be responsible for providing and maintaining all required smoke detectors in proper operating condition.

C. If a dwelling is equipped with battery operated smoke detectors, the owner or operator shall be responsible for providing proper batteries to smoke detectors which are in rooming units, light housekeeping units and common areas. The occupant of a dwelling unit shall be responsible for providing proper batteries to smoke detectors within their dwelling unit.

**D. Single and multiple-station carbon monoxide (CO) detectors shall be of an approved type and shall be installed and maintained in full operating condition in accordance with manufacturer's instructions and the provisions of this Article as follows:**

1. **Carbon monoxide detectors shall be required in all dwellings where one of the following conditions exists:**

- a. A part of the dwelling is undergoing renovation or construction.
  - b. The premises contains a fuel-fired appliance or operational, fuel-burning fireplace.
  - c. The premises has an attached garage with an opening that communicates with the dwelling.
2. When carbon monoxide detectors are required, they shall be installed within the immediate vicinity of each sleeping area room and on every story of the dwelling, including within a basement or cellar.
  3. Every owner and operator shall be responsible for providing and maintaining all required carbon monoxide detectors in proper operating condition.
  4. If a dwelling is equipped with battery operated carbon monoxide detectors, the owner or operator shall be responsible for providing proper batteries to carbon monoxide detectors which are in rooming units, light housekeeping units and common areas. The occupant of a dwelling unit shall be responsible for providing proper batteries to carbon monoxide detectors within their dwelling unit.
  5. Operational combination carbon monoxide/smoke alarms shall be permitted to be used in lieu of carbon monoxide detectors and smoke alarms.

**OCCUPANCY REQUIREMENTS FOR HABITABLE ROOMS:**

**6424. HABITABLE ROOMS: ACCESS TO SLEEPING ROOMS AND ROOMING UNITS.**

No dwelling or rooming house shall have such room arrangements where access to a sleeping room or rooming unit can be gained only by going through a bathroom or toilet room. Access and egress for each rooming unit shall be provided without passing through another rooming unit.

**6435. HABITABLE ROOMS: OCCUPANCY OF BASEMENTS AND CELLARS.**

- A. No basement or cellar shall be occupied as a dwelling unit or habitable room unless there is compliance with the following requirements.
  1. The floors and walls shall be impervious to leakage of underground and surface runoff water and shall be free of dampness. The floors shall be constructed of material which is easy to keep in a clean and sanitary condition.
  2. Each room shall comply with Sections 6479 and 64850. Any room intended to be used for sleeping purposes shall have at least one (1) window which can be opened from the inside. Such windows shall have a minimum clear opening of five and seven-tenths (5.7) square feet, at least ~~twenty-four (24)~~ inches in height and no less than ~~twenty (20)~~ inches in width. The finished sill shall be not more than ~~forty-eight (48)~~ inches above the floor. If the window, or any part of it, is located below grade, an exterior excavation shall be made from grade level to at least six (6) inches below the sill. **The horizontal area of the window well shall not be less than nine (9) square feet with a horizontal projection and width of not less than 36 inches.** ~~Such excavation shall extend at least thirty-six (36) inches from the exterior of the window and at least thirty-six (36) inches on each side.~~ If the top of the window sill is ~~forty-eight (48)~~ inches or more below grade, a stairway to grade shall be provided. A door leading directly to the outside and exiting at-into grade level **the public way** may be provided in lieu of the specified window.

3. The ceiling height shall be at least ~~seven (7) feet~~ **84 inches**. Duct work, pipes, structural components, and any other appurtenances suspended from or affixed to the ceiling must be at least 78 inches above the floor.

**6446. HABITABLE ROOMS: CEILING HEIGHTS.**

The ceiling height of any habitable room, hallway, corridor, laundry area, bathroom, or toilet room shall be at least ~~seven (7) feet~~ **84 inches**, except that in any habitable room with a sloping ceiling, at least ~~one-half (1/2)~~ **one-third (1/3)** of the floor area shall have a ceiling height of at least ~~seven (7) feet~~ **84 inches**. The floor area of any room where the ceiling height is less than ~~five (5) feet~~ **60 inches** shall not be considered part of the floor area in computing the floor areas under Sections ~~647 and 648~~ **646 and 647** ~~645 and 646~~. Duct work, and pipes suspended from the ceiling must be at least seventy-eight (78) inches above the floor.

**6457. HABITABLE ROOMS: TOTAL FLOOR AREA.**

Every dwelling unit shall contain at least ~~one hundred fifty (150)~~ square feet of floor area for the first occupant and at least ~~one hundred (100)~~ additional square feet of floor area for each additional occupant. Total floor area shall be calculated by adding the floor areas of all habitable rooms within the dwelling unit. Habitable rooms, other than kitchens, shall be not less than seven (7) feet in any horizontal dimension. Kitchens shall have a minimum clear passageway of three (3) feet between counterfronts and appliances or counterfronts and walls.

**6468. HABITABLE ROOMS: SLEEPING ROOM AREA.**

- A. Every room occupied for sleeping purposes in dwelling units shall contain at least ~~seventy (70)~~ square feet of floor area for the first occupant and at least ~~fifty (50)~~ additional square feet of floor area for each additional occupant **12 years of age or over**.
- B. Every room in a rooming house occupied for sleeping purposes by one (1) occupant shall contain at least ~~one hundred (100)~~ **70** square feet of floor area, and ~~e~~ Every room in a rooming house occupied for sleeping purposes by more than one (1) occupant shall contain at least ~~one hundred (100)~~ **50** square feet of floor area for the first occupant and at least ~~fifty (50)~~ square feet of floor area for each additional occupant ~~twelve (12) years of age or over. Rooming houses permitted prior to the effective date of this Article shall not be required to comply with this section until the rooming house is reconstructed.~~
- C. ~~Rooming houses permitted as nursing homes or personal care boarding homes by the Commonwealth of Pennsylvania need only comply with the standards set forth by the Commonwealth.~~

**6479. HABITABLE ROOMS: WINDOW AREA NATURAL ILLUMINATION.**

Every habitable room shall have at least one (1) window facing directly to the outdoors. The minimum total window area measured between stops for every habitable room shall be eight (8) percent of the floor area. A skylight-type window is considered a window.

**64850. HABITABLE ROOMS: VENTILATION.**

- A.** Every habitable room shall have at least one (1) window which can be opened easily, or any other device as will adequately ventilate the room. If a window is the only means of ventilation, the total of openable window area in every habitable room shall be ~~at least four (4) percent of the floor area~~ **at least 45 percent of the minimum glazed area as required in Section 649**. Any window opening onto a glass enclosed porch shall not be included in

determining the openable window area.

**B.** Compliance with the requirements of this Section may be achieved by a mechanical ventilation duct directly to the outdoors, provided that the minimum air changes per hour **conform to the mechanical ventilation standards applicable in the current International Mechanical Code or** comply with the **following** standards: ~~set forth in Section 615-B, 3.10.~~

1. **Kitchens- three (3) air changes per hour;**
2. **Habitable rooms- two (2) air changes per hour.**

#### **LEAD HAZARDS:**

#### **64951. LEAD HAZARDS.**

A. When the Director ~~Department~~ determines that the presence of lead-based paint or a lead-based paint hazard on any premises creates a health hazard to any child or other person, the Director ~~Department~~ may issue an order to the owner **or operator** to eliminate the hazard within a reasonable period prescribed by the Director ~~Department~~.

~~B. When a lead-based paint hazard has been identified on a chewable surface, as identified by the Director, the lead-based paint shall be completely removed or permanently enclosed with methods approved by the Director. Accessible, non-chewable, lead-based painted surfaces with loose, cracked, chipped, blistered, peeling, or otherwise deteriorated surfaces shall have such lead-based paint completely removed or covered in a manner approved by the Director.~~  
**The Department shall determine which lead-based paint hazards fall into which of the below categories for purposes of determining the minimum necessary actions to be taken. Lead-based paint or lead-based paint hazard categories shall, at a minimum, be addressed in the following manner:**

1. **Friction surfaces: surfaces with lead dust levels equal to or greater than the dust-lead hazard levels set forth by the EPA shall be abated.**
2. **Impact surfaces: lead-based paint subject to impact shall either be abated or modified to protect the surface from further impact.**
3. **Chewable surfaces: any lead-based paint on a chewable surface that shows evidence of chewing shall be abated.**
4. **Deteriorated lead-based paint or any lead-based paint hazards not meeting categories enumerated above shall be addressed with appropriate interim controls.**

C. ~~Prior to any attempt to remove, abate or hazard reduce an identified lead-based paint hazard, the owner shall advise the Director in writing of the proposed methods to be used and the schedule of abatement. Removal, abatement, or hazard reduction procedures shall not begin until the proposed methods and schedule have been approved in writing by the Director.~~ **The owner shall ensure that any abatement, treatment, modifications, or interim control methods comply with all applicable federal, state, and local regulations including, but not limited to, the standards set forth by the Pennsylvania Department of Labor and Industry as authorized by 1995 Act 44.**

D. No person shall apply or cause to be applied any lead-based paint **or lead-based paint hazard on or within** a premises **containing a dwelling.** ~~a premise except in those areas recommended or approved by the manufacturer of the paint.~~

**E. No part of this section shall preclude an owner from further abating a lead hazard if such abatement complies with applicable federal, state, and local regulations as well as the standards set forth by the Pennsylvania Department of Labor and Industry as authorized by 1995 Act 44.**

**PEST CONTROL:**

**6502. RODENT AND PEST VECTOR CONTROL: PROTECTION.**

- A. No person shall occupy as **an** owner-occupant, or let to another for occupancy, any dwelling, ~~dwelling unit, light housekeeping unit or rooming unit~~ unless every foundation, floor, wall, ceiling, roof, window, exterior door and basement hatchway is free from openings large enough to permit the entry of rodents.
- B. No person shall occupy as **an** owner-occupant, or let to another for occupancy, any dwelling, ~~dwelling unit, light housekeeping unit or rooming unit~~ unless every basement or cellar window, used or intended to be used for ventilation, and every other opening to a basement or cellar which may permit the entry of rodents is supplied with a protective device which will effectively prevent the entry of rodents.
- C. When the ~~Director~~ **Department** determines that the presence of mosquitoes, flies, or other insects in any area of the County constitutes a danger to public health, the ~~Director~~ **Department** may require that all dwellings in the area ~~comply~~ **are in compliance** with the following provisions during such times of the year as the ~~Director~~ **Department** deems necessary:
- ~~1. Every door opening directly from a dwelling to outdoor space shall have screens and a self-closing device, except that the Director may exempt from this requirement cellar and basement doors in any dwelling if the exemptions will not create a danger to public health.;~~
  - ~~2~~**1**. Every window or other ~~device with~~ openings to outdoor space used or intended to be used for ventilation shall have screens **or any other device that prevents the entry of pests.**
  - ~~3~~**2**. The owner or operator shall supply and the occupant of a dwelling unit shall hang screens required under the provisions of this Section except where the owner or operator and occupant have agreed otherwise as to who shall supply and hang the screens.
- D. No person shall maintain or permit to be maintained any ~~artificial receptacle or pool~~ **water-holding feature,** including but not limited to: **pools, impoundments, catchment basins, depressions, drainage ditches, ponds,** ~~scrap tires or appliances,~~ **containers, receptacles, or gutters,** containing water in such condition that breeding of pests ~~vectors~~ therein may ~~become a danger to the public~~ create **a health hazard** or nuisance.
- E. No person or municipality shall maintain a premises ~~s~~ so as to cause the development of nuisance pests ~~vectors~~.
- F. No person shall maintain, create or fail to eliminate a food source condition that creates or contributes to a pest ~~vector~~ problem.
- ~~1. Feeding of domestic birds or animals shall be done in a manner so as not to create a nuisance by a pest vector attracted by the food. Uneaten food shall be promptly removed and food spillage shall be cleaned up promptly.~~

21. Feeding of ~~non-domestic~~any birds and/or animals shall be done in such a manner so as not to create a pest ~~vector~~-nuisance to residents, occupants or users of a premises. When the ~~Director~~ Department determines that the feeding of ~~non-domestic~~ birds or animals ~~has~~ve created a nuisance, the ~~Director~~ Department may order the ~~person~~ party(ies) feeding to cease such activity.
32. Any food source utilized by a pest ~~vector~~ shall be eliminated by the owner of the property or other responsible party ~~when so ordered by the Director~~.

**6513. ~~RODENT AND PEST VECTOR CONTROL: MAINTENANCE.~~**

- A. No person shall maintain ~~domestic~~ animals so as to create a nuisance by reason of animal waste, bedding, food, ~~pests~~ vectors or odors. Any person who maintains ~~domestic~~ animals shall clean up and properly dispose of all animal waste generated so that such waste does not create a nuisance by reason of odors or pest ~~vector~~ attraction. The ~~Director~~ Department may specify a schedule of maintenance.
- B. It shall be the responsibility of the owner of any property to promptly remove and properly dispose of any dead animals located on their property.
- C. Composting of yard wastes and organic materials shall be conducted so as not to create a pest ~~vector~~-nuisance, actual or potential ~~health~~ hazard, odors or other nuisance. The ~~Director~~ Department may evaluate a home recycling system and specify methods or materials required for operation to prevent or eliminate a nuisance. The ~~Director~~ Department may order the suspension of composting and recycling of wastes when the ~~Director~~ Department determines it contributes to an actual or potential ~~health~~-hazard or nuisance.
- D. No person shall maintain a building or premises, occupied or not, whereby its deterioration, unsealed openings or other characteristics create a pest ~~vector~~-attraction, nuisance or ~~safety~~ hazard.
  1. It shall be the responsibility of the owner of a vacant structure to maintain the structure in a condition where all openings are sealed to prevent the entry and attraction of ~~pests~~ vectors and to prevent a nuisance or ~~safety~~-hazard.
  2. It shall be the responsibility of the owner of a vacant ~~premises~~ or lot to maintain the property in a condition to prevent the entry, attraction or breeding of ~~pests~~ and to prevent a nuisance or ~~safety~~-hazard.
- E. Any premises determined by the ~~Director~~ Department to be a nuisance by reason of unrestricted plant growth shall be maintained so as to restrict such growth to ~~ten~~ (10) inches or less. In single family dwellings, the occupant shall be responsible for compliance with this section.

**6524. ~~RODENT AND PEST VECTOR CONTROL: RESPONSIBILITY FOR GENERAL MEASURES.~~**

~~Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pest vectors in the dwelling or on the premises. Every occupant in a dwelling containing more than one (1) dwelling unit shall be responsible for extermination when his dwelling unit is the only one infested. When the infestation in either a single or multiple unit dwelling is caused by failure of the owner to maintain the dwelling in a rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the owner. When infestations exist in two (2) or more dwelling units in any dwelling, or in the shared~~

~~or public parts of any dwelling, extermination shall be the responsibility of the owner. When infestation exists in any rooming house, extermination shall be the responsibility of the operator.~~

**A. The occupant of a one-family dwelling shall be responsible for pest elimination on the premises. When the infestation in either a single or multiple unit dwelling is caused by failure of the owner to maintain the dwelling in a rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.**

**B. The owner of a multiple dwelling or rooming house shall be responsible for pest elimination in the public and shared areas of the structure and exterior property. If the infestation is caused by the failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination. If the tenant is found not to have contributed to the infestation, the owner will be responsible.**

**REFUSE:**

**6535. REFUSE: FACILITIES REQUIRED.**

~~Every dwelling unit shall be supplied by the occupant with adequate refuse storage facilities, except that in the case of multiple dwellings and rooming houses, the owner or operator shall be responsible for supplying such facilities.~~ **The owner of every occupied premises shall supply covered containers for refuse that are acceptable to the Department. The owner shall be responsible for facilitating collection of refuse.** Refuse storage facilities ~~containers~~ shall be made of metal or **an** equivalent material **and be** ~~shall be watertight and~~ provided with tight covers which shall be kept securely closed at all times. **The total capacity of the provided containers shall be sufficient to store the occupant's trash between scheduled collection times.** The type and location of refuse storage and disposal facilities shall be subject to approval by the ~~Director~~ **Department** and meet the standards set forth in Article VIII.

**6546. REFUSE: RESPONSIBILITY FOR PROPER STORAGE AND DISPOSAL.**

**A.** The occupant of every dwelling unit or rooming unit shall be responsible for the storage of ~~garbage, refuse and rubbish~~ in a clean and sanitary manner in accordance with the provisions of this Article and in compliance with any other Rules and Regulations of the County **or local jurisdiction, including placing such refuse in an approved refuse disposal facility or approved refuse containers.** In the case of multiple dwellings and rooming houses, the owner or operator shall be responsible for maintaining the shared refuse storage facilities in a clean and sanitary manner.

**B. Refrigerators and similar equipment not in operation shall not be discarded, abandoned, or stored on the premises without first removing the doors.**

**GENERAL ROOMING HOUSES REPAIR AND MAINTENANCE:**

**655. GENERAL REPAIR AND MAINTENANCE**

~~Every owner of a premises and every operator of a rooming house shall maintain the dwelling and premises, including all fences, enclosures and appurtenances, in sound condition and good repair.~~

**6557. GENERAL MAINTENANCE: ROOMING HOUSES.**

The operator of every rooming house shall be responsible for the maintenance of all walls, floors

and ceilings in every part of the rooming house. ~~Unless exempted by the Director in writing, the operator of every rooming house shall provide clean bed linen and towels at least once a week and prior to the letting of any room to any occupant.~~ The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

**GENERAL SANITATION:**

**6568. GENERAL SANITATION: UNIT OCCUPANT RESPONSIBILITY.**

Every occupant of a dwelling unit, light housekeeping unit or rooming unit shall keep that part of the dwelling and premises which they occupy and control in a clean and sanitary condition, free from any accumulation of dirt, refuse, debris or other matter.

**6579. GENERAL SANITATION: OWNER RESPONSIBILITY FOR SHARED OR PUBLIC AREAS.**

Every owner of a dwelling containing two (2) or more dwelling units or one (1) dwelling unit and one (1) or more rooming units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises.

**658. VARIANCES.**

~~Any interested party may request a variance from the provisions of this Article from the Director. All requests must be in writing, state the reasons for the request, and provide evidence that the variance poses no real or potential hazard to the health, safety or welfare of the public or any individual.~~

**GENERAL REQUIREMENTS FOR ALL HOUSING**

**660. OCCUPANCY AND LETTING OF DWELLING UNITS AND ROOMING UNITS UNIT VACANCY AFTER VIOLATIONS HAVE BEEN CITED.**

- A. No person shall occupy as owner-occupant or let to another for occupancy any vacant **dwelling or** dwelling unit, ~~light housekeeping unit or rooming unit~~ unless it is clean, sanitary, in good maintenance and repair and fit for human habitation. Should a unit for which violations have been identified and orders issued becomes vacant prior to correction of these violations, the owner shall have the unit inspected and corrections verified by the Department prior to any reoccupancy.
- B. After an initial "no charge" inspection to approve a dwelling unit for reoccupancy, the owner of the dwelling unit shall **may be instructed to** pay a fee for each additional inspection that is needed to determine compliance as specified in a fee schedule as determined by the ~~Director~~ **Department** upon ~~annual~~ consultation with the Board of Health.

**661. FACILITIES AND SERVICES.**

Every facility, piece of equipment or utility which is required under this Article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition by the person responsible under this Article.

**662. DISCONTINUANCE OF SERVICES.**

No owner, operator, tenant or occupant shall cause any service which is required under this Article to be removed, shut off or discontinued in any occupied dwelling except for such temporary interruption as may be necessary while actual repairs are in process or during

temporary emergencies.

**663. VARIANCE REQUESTS.**

**Any interested party may request a variance from the provisions of this Article from the Department at any time. All requests must be in writing, state the reasons for the request, and provide evidence that the variance poses no real or potential hazard to the health, safety or welfare of the public or any individual.**

**UNCONSTITUTIONALITY CLAUSE AND REPEALER:**

**6634. UNCONSTITUTIONALITY CLAUSE.** Should any section, paragraph, sentence, clause or phrase of this Article be declared unconstitutional or invalid for any reason, the remainder of the Article shall not be affected thereby.

**664. ~~PENALTIES.~~**

~~A. Summary Offenses—Any person who violates any of the provisions of this Article or any Rule or Regulation of the Department, or who interferes with the Director or any other agent of the Department in the discharge of his official duties, shall, for the first offense, upon conviction thereof in a summary proceeding before any alderman or justice of the peace of Allegheny County, or before any police magistrate if such offense is committed in a city of the second class, be sentenced to pay the costs of prosecution and a fine of not less than thirty (\$30) dollars nor more than three hundred (\$300) dollars and, in default thereof, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days.~~

~~B. Misdemeanors—Any person who violates any of the provisions of this Article or any Rule or Regulation of the Department, or who interferes with the Director or any other agent of the Department in the discharge of their official duties, convicted of a second or subsequent offense, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred (\$500) dollars nor more than one thousand dollars (\$1,000) or to undergo imprisonment not exceeding one (1) year or both.~~

~~C. Separate Offenses—For the purpose of this Section, violations on separate days shall be considered separate offenses. Each violation of any separate subsection or section of this Article shall constitute a separate offense.~~

~~D. Civil Penalties—Pursuant to the provisions of Article XVI "Environmental Health Civil Penalties", any person who violates any of the provisions of this Article may be assessed a civil penalty whether or not the violation is willful.~~

**665. REPEALER**

Upon the effective date of this Article, ~~T,~~ the existing Article VI, Houses and **Community Environment** Rooming Houses, effective **June 15, 1996** January 1, 1957, as amended is hereby repealed and superseded by this Article.



## Article VI Repeal and Replace: Overview

Article VI is the regulation that grants the Allegheny County Health Department (ACHD) Housing and Community Environment Program the authority to inspect and enforce minimum property standards and public health requirements for dwellings and premises in Allegheny County. The Article defines the requirements for how properties must be maintained inside and outside in order to keep residents and communities safe.

### Why ACHD is proposing to repeal and replace Article VI:

The proposed revisions to Article VI would:

- Align Allegheny County housing standards with those found in other jurisdictions.
- Promote better understanding and readability for landlords and tenants.
- Improve safety standards to reduce and prevent injuries.
- Clarify the roles that both tenants and landlords have in keeping dwellings safe and healthy.

Proposed changes to Article VI would further align the regulation with Article III and Article XV of the Allegheny County Health Code as well as with safety standards set through international codes including the 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 Board of Health approved a Public Comment Period of 60 days for the proposed revision of Article VI, which was held from May 10, 2023, through July 10, 2023. In addition to accepting written comments during that time, oral testimony was also compiled at a Public Hearing held on July 6, 2023. In total, fourteen (14) unique individuals submitted comments; twelve (12) people submitted written comments and three (3) people gave oral testimony at the Hearing, while one (1) person gave both written and oral comments. As a result of these public comments, further revisions were made to Sections 606 and 608, detailed below.

### Overview of Notable Proposed Changes:

§ 603 <u>Effective Date</u> : Update Effective Date to October 1, 2024, remove sections A and B.	<b>p. 5</b>
§ 604 <u>Definitions</u> : Language modernized and terms added to clarify requirements. Revisions include definitions for: <ul style="list-style-type: none"> <li>• Offensive Material</li> <li>• Class 1 – 4 and Class U Violations</li> <li>• Dwelling or Dwelling Unit Unfit for Human Habitation</li> <li>• Lead assessment terminology, including Abatement, Friction and Impact Surfaces, and Interim Controls</li> <li>• Owner</li> </ul>	<b>p. 5</b>
§ 606 <u>Entry and Inspection of Dwellings and Premises</u> : Updated to clarify that in cases where entry is refused or cannot be obtained, the Department is authorized to enter and inspect any dwelling or premises upon showing a proper inspection warrant, and in cases where a premises is unoccupied, to attempt to locate the owner or operator and request entry, except for emergencies.	<b>p.11</b>
§ 607 <u>Penalty Notice</u> : Updated to clarify that notices are only given when a penalty is issued rather than for any violation of the Article.	<b>p. 11</b>



## Article VI Repeal and Replace: Overview

<p>§ 608 <u>Penalties</u>: Added Subsection E to include language regarding other legal remedies the Department may pursue in addition to the penalties provided in Section 608.</p>	<b>p.12</b>
<p>§ 612 <u>Requirements for Rooming House Permits</u>: Exceptions for rooming houses that are also food establishments have been removed, requiring operators to file separate plans and permitting fees to the Food Safety and Housing and Community Environment programs.</p>	<b>p. 13</b>
<p>§ 615 <u>Review of Plans and Fees for Rooming Houses</u> (previously § 614): Adds requirement of plan submissions including window schedules showing dimension added.</p>	<b>p. 14</b>
<p>§ 615 <u>Violations, Notices and Hearings on Dwellings Unfit for Human Habitation (removed)</u>: Portions of this section have been moved to other sections of the Article. Robust definitions of the Classes have been added to the Definitions section for clarity.</p>	<b>p. 15</b>
<p>§ 624 <u>Openings</u>: Adds requirement that deadbolts are installed for all entryways and doors that open to the outside. Adds requirements that windows that are openable must be secured to prevent sudden window drops and windows under 24 inches from the floor be equipped with fall prevention devices.</p>	<b>p. 20</b>
<p>§ 626 <u>Grading and Drainage (new section)</u>: Adds requirement that property be graded and drained properly to prevent erosion, landslides, and pooling water resulting in pests.</p>	<b>p. 20</b>
<p>§ 627 <u>Accessory Structures</u>: (previously § 655) Updated section name from General Repair and Maintenance to Accessory Structures for clarity.</p>	<b>p. 20</b>
<p>§ 630 <u>Electric Fixtures and Outlets</u>: Adds requirement that every bathroom has at least one duplex outlet. Clarifies requirements for the installation outlets with ground fault circuit interrupters to include:</p> <ul style="list-style-type: none"> <li>• Every bathroom</li> <li>• All outlets that are accessible and within 6 feet of any sink in any room (including basement or cellar)</li> <li>• All outlets in the exterior that are readily accessible to occupants</li> </ul>	<b>p. 21</b>
<p>§ 633 <u>Water Heating Facilities</u> (previously § 631): Adds requirement that gas-burning water heaters cannot be kept within closable rooms unless adequate combustion air is provided.</p>	<b>p. 22</b>
<p>§ 637 <u>Toilets, Lavatory Basins and Bathtubs and Showers in Rooming Houses and for Light Housekeeping Units</u> (previously § 635): Revised to allow for a minimum of one toilet and on lavatory basin for every 10 persons, raised from 6 persons. Revised to allow for a minimum of one bathtub or shower for every 8 persons, raised from 6 persons.</p>	<b>p. 23</b>
<p>§ 638 <u>Occupant Responsibility</u> (previously § 636): Clarifies tenant responsibilities by placing program policy into regulation.</p>	<b>p. 23</b>
<p>§ 643 <u>Smoke and Carbon Monoxide Detectors</u> (previously § 641): Adds requirement of Carbon Monoxide Detectors in all dwellings that have fuel burning appliances, fireplaces, or attached garages.</p>	<b>p. 24</b>
<p>§ 648 <u>Sleeping Room Area</u> (previously § 646): Reduces the minimum floor area square footage for one occupant in their sleeping room to 70 square feet from 100 square feet. In rooms with more than one occupant, reduces the minimum square footage for the first occupant to at least 50 square feet from 100 square feet.</p>	<b>p. 27</b>



## Article VI Repeal and Replace: Overview

§ 651 <u>Lead Hazards</u> (previously § 649): Clarifies requirements for addressing lead hazards. Defines lead hazards in alignment with HUD guidelines.	<b>p. 28</b>
§ 655 <u>Facilities Required</u> (previously § 653): Adds requirement that owners provide sufficient refuse containers to store occupant trash between scheduled collection times.	<b>p. 31</b>
§ 656 <u>Responsibility for Proper Storage and Disposal</u> (previously § 654): Adds requirement that large appliances such as refrigerators shall not be discarded, abandoned, or stored without first removing the doors.	<b>p. 31</b>

### How to Read the Article VI Revision:

Plain text	Language that has not changed from the original Article VI.
<del>Strikethrough text</del>	Language from the original Article VI proposed to be removed.
<b><u>Bold and underline text</u></b>	Language that is proposed to be added to Article VI. This includes revised language as well as new content.
<b>Highlighted</b>	Language that is proposed to be added to Article VI after the public comment period.

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)
<b>General</b>	
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
<b>RESPONSE:</b> 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
<b>RESPONSE:</b> 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
<b>RESPONSE:</b> <i>See response to Comment 1.</i>	
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
<b>RESPONSE:</b> <i>See response to Comment 1.</i>	
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 Macadangdang; Michelle Naccarati-Chapkis; Kevin Quisenberry; Amanda Reddy; Gale Schwartz; Erika Strassburger; Dan Sullivan; Barb Warwick; John Zilka
<b>RESPONSE:</b> 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

COMMENT	COMMENTER(S)
<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><b>RESPONSE:</b> 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><b>RESPONSE:</b> 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><b>RESPONSE:</b> <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><b>RESPONSE:</b> 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>	

COMMENT	COMMENTER(S)
<p><b>10.</b> 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><b>RESPONSE:</b> 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><b>11.</b> 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><b>RESPONSE:</b> 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><b>12.</b> 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><b>RESPONSE:</b> 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><b>13.</b> 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"> <li>• Allow tenants to submit receipts for habitability related expenses as part of the monthly rental escrow payment.</li> <li>• Allow tenants to withdraw escrow funds to pay for costs related to securing and moving to a habitable dwelling.</li> <li>• 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.</li> </ul>	<p>Robert Damewood</p>

COMMENT	COMMENTER(S)
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	
<b>RESPONSE:</b> <i>See response to Comment 12.</i>	
<p><b>14.</b> 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>
<b>RESPONSE:</b> <i>See response to Comment 12.</i>	
<p><b>15.</b> Article VI should include a residential anti-displacement and relocation plan that:</p> <ul style="list-style-type: none"> <li>• Gives tenants advance notice of condemnation proceedings and an opportunity to intervene and influence the outcome of those proceedings.</li> <li>• Provides funding for legal representation of tenants in a condemned rental property along with a referral to legal services.</li> <li>• 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.</li> <li>• Requires the property owner to either provide such relocation assistance and temporary accommodation or to reimburse the Department for the cost of doing so.</li> </ul>	<p>Robert Damewood</p>
<p><b>RESPONSE:</b> 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>	

COMMENT	COMMENTER(S)
<p><b>16.</b> 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><b>RESPONSE:</b> <i>See response to Comment 10.</i></p>	
<p><b>17.</b> 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><b>RESPONSE:</b> 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><b>18.</b> 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><b>RESPONSE:</b> 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><b>19.</b> 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><b>RESPONSE:</b> The current proposed revisions aim to improve readability and promote better understanding of the Article while ensuring that Housing and Community Environment (HCE)</p>	

COMMENT	COMMENTER(S)
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><b>20.</b> 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><b>RESPONSE:</b> 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><b>21.</b> 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><b>RESPONSE:</b> ACHD will continue to research radon enforcement models and potentially include appropriate revisions in Article VI in future updates.</p>	
<p><b>22.</b> 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><b>RESPONSE:</b> <i>See response to Comment 7.</i></p>	
<p><b>23.</b> 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><b>RESPONSE:</b> 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><b>24.</b> 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>

COMMENT	COMMENTER(S)
<p><b>RESPONSE:</b> 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><b>RESPONSE:</b> 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: <a href="https://www.alleghenycounty.us/Health-Department/Programs/Housing-and-Community-Environment/Lead-Exposure-Testing.aspx">https://www.alleghenycounty.us/Health-Department/Programs/Housing-and-Community-Environment/Lead-Exposure-Testing.aspx</a> <a href="https://www.alleghenycounty.us/Health-Department/Programs/Special-Initiatives/Lead/Lead-Exposure-Prevention.aspx">https://www.alleghenycounty.us/Health-Department/Programs/Special-Initiatives/Lead/Lead-Exposure-Prevention.aspx</a>. 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 <a href="https://www.alleghenycounty.us/economic-development/residents/lead-safe-homes-program.aspx">https://www.alleghenycounty.us/economic-development/residents/lead-safe-homes-program.aspx</a>.</p>	
<p><b>Section 605 Enforcement Authority and Interpretations</b></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><b>RESPONSE:</b> 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><b>Section 606 Entry and Inspection of Dwellings and Premises</b></p>	

<b>COMMENT</b>	<b>COMMENTER(S)</b>
<p><b>27.</b> 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><b>RESPONSE:</b> 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;"><b>Section 608 Penalties</b></p>	
<p><b>28.</b> Section 608 should be amended to add “AND OTHER REMEDIES” to the caption.</p>	<p>Robert Damewood</p>
<p><b>RESPONSE:</b> 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><b>29.</b> 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><b>RESPONSE:</b> 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;"><b>620 Service and Posting of Notices and Orders for Alteration, Demolition, Vacation and Emergency Vacation of a Dwelling</b></p>	
<p><b>30.</b> 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><b>RESPONSE:</b> 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)