

# Making our Housing Stock Healthier: Boston's Proactive Rental Inspection Ordinance and The Breathe Easy at Home Program

National Association of City and County Health Officials (NACCHO)  
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**Health Resources in Action**  
*Advancing Public Health and Medical Research*



## Moderator:

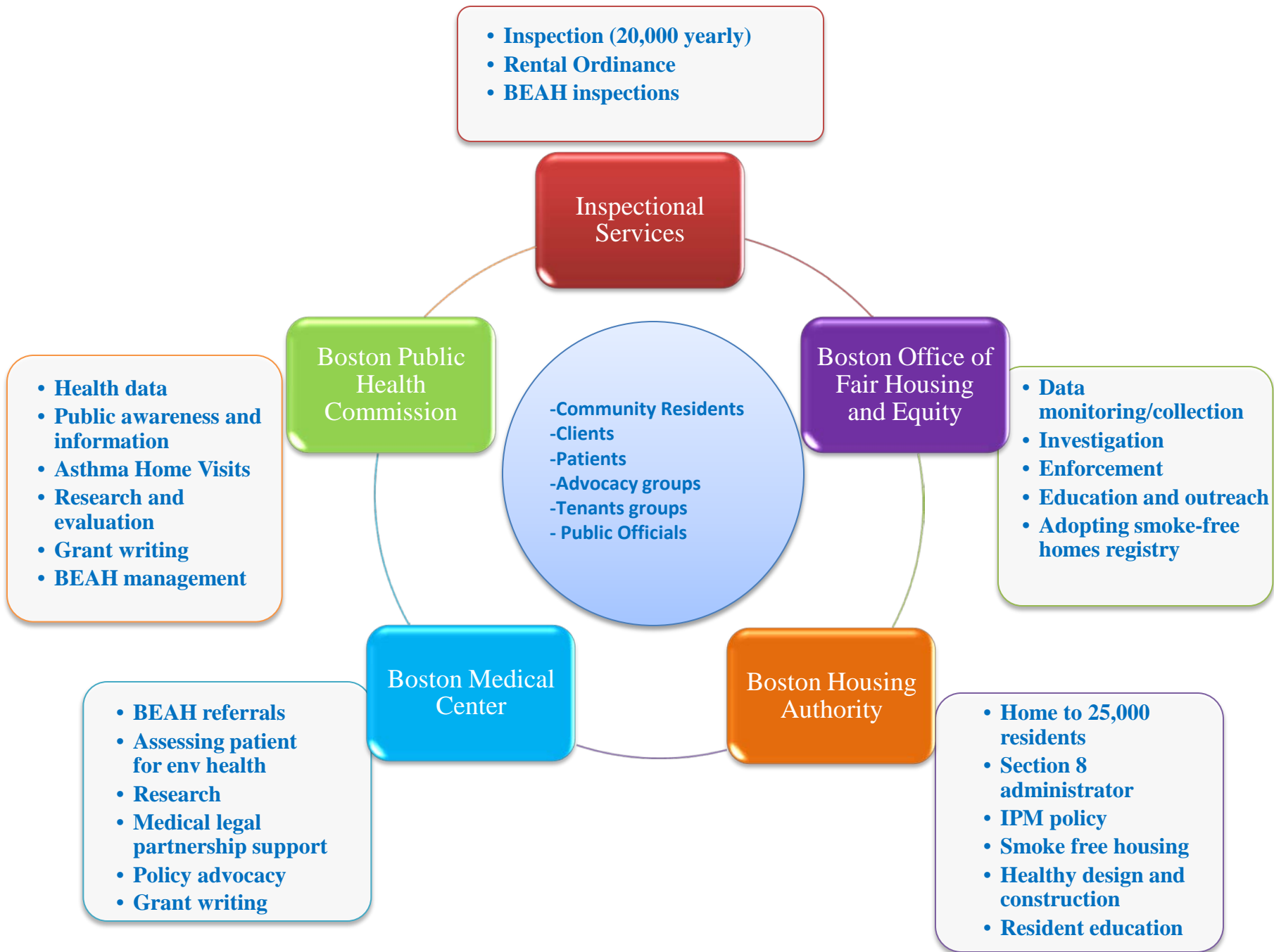
• **Margaret Reid, RN, MPA;** Director, Healthy Homes and Community Supports Division, Boston Public Health Commission

## Presenters:

• **Megan Sandel, MD MPH;** Associate Professor of Pediatrics at the Boston University Schools of Medicine and Public Health

• **Indira Alvarez, MUA;** Chief of Staff, City of Boston Inspectional Services Department

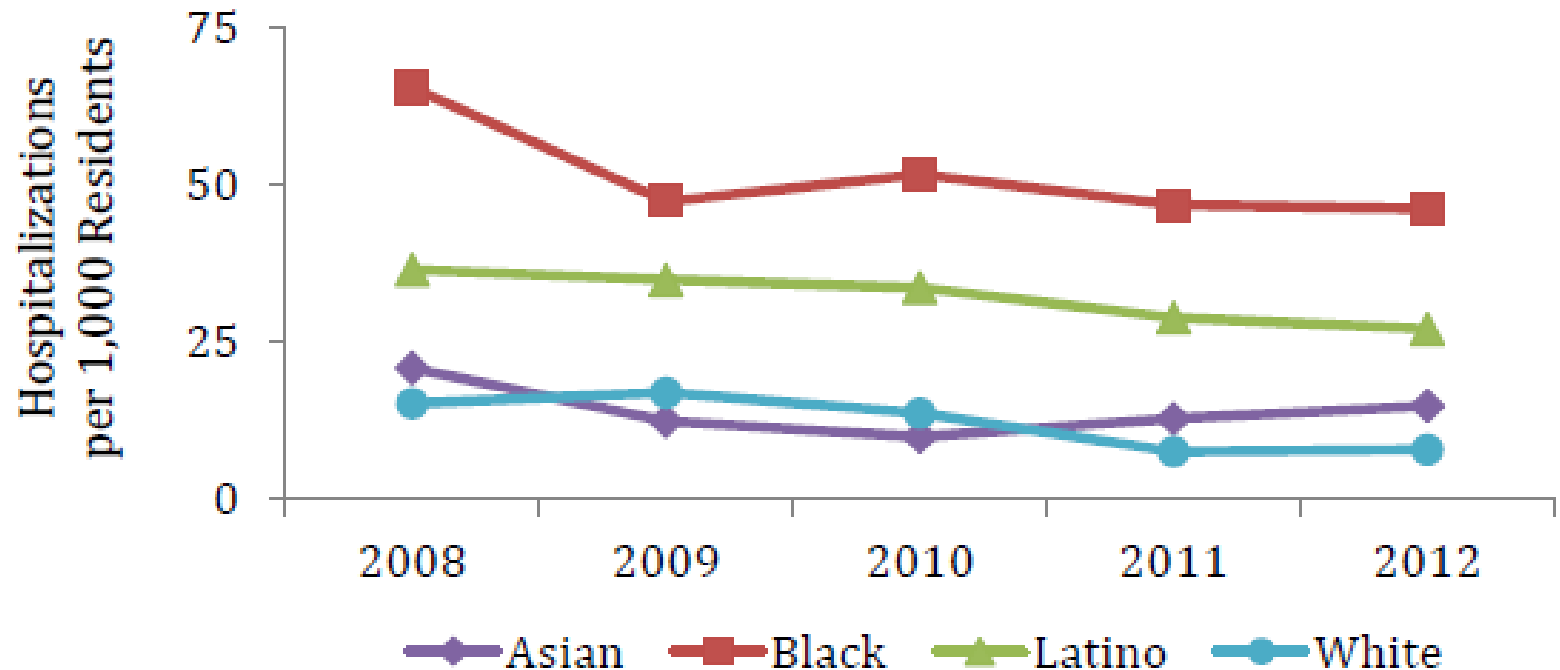
• **Kathleen McCabe, MPA;** Director, Policy and Practice, Health Resources in Action



# Foundations of our Working Relationships

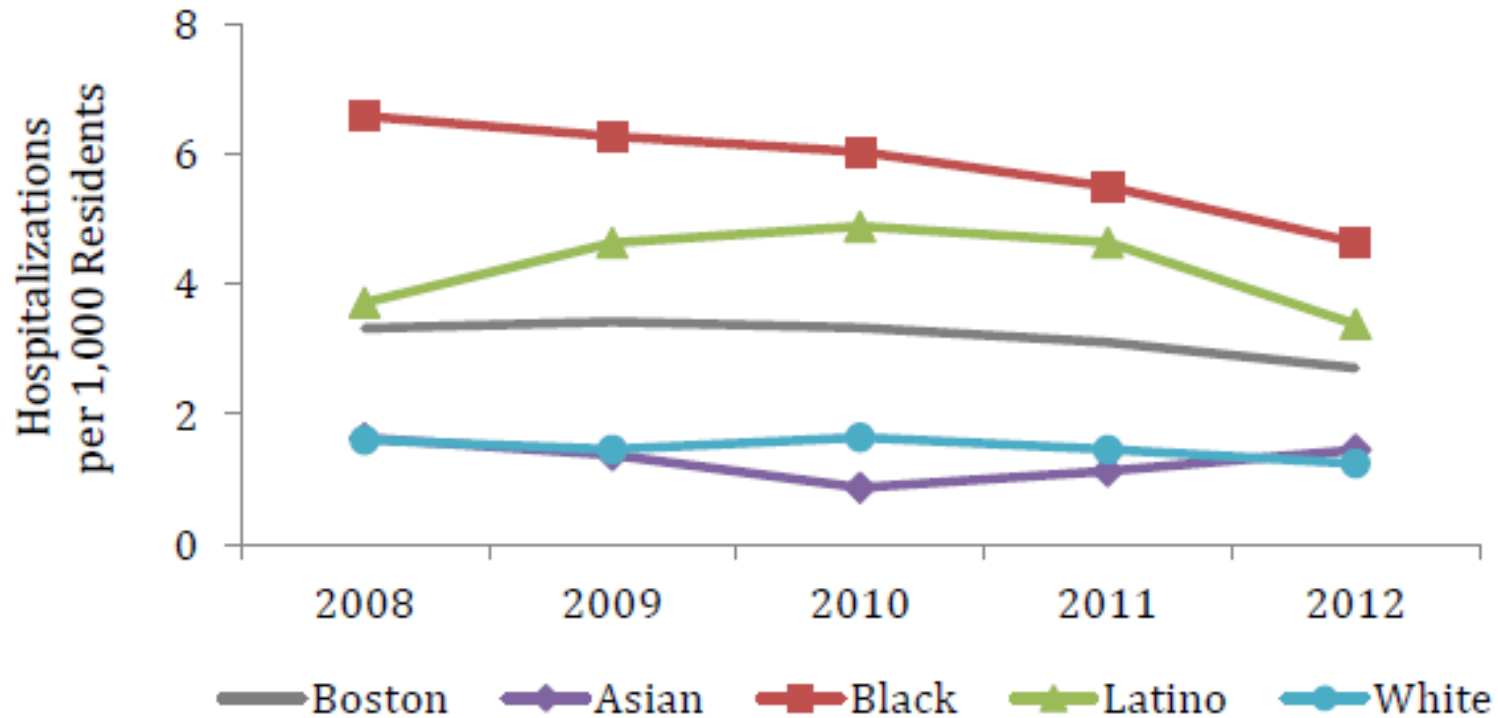
- What responsibility does each organization have for healthy housing?
- What key functions do we bring to the collaboration?
- How does each organization benefit from this collaboration?
- How we work together?
  - Facilitating factors?
  - How have we operationalized our work?

**Figure 6.9 Asthma Emergency Department Visits Among 3-5 Year Olds by Race/Ethnicity and Year**



DATA SOURCE: Acute Hospital Case Mix Databases, Massachusetts Center for Health Information and Analysis

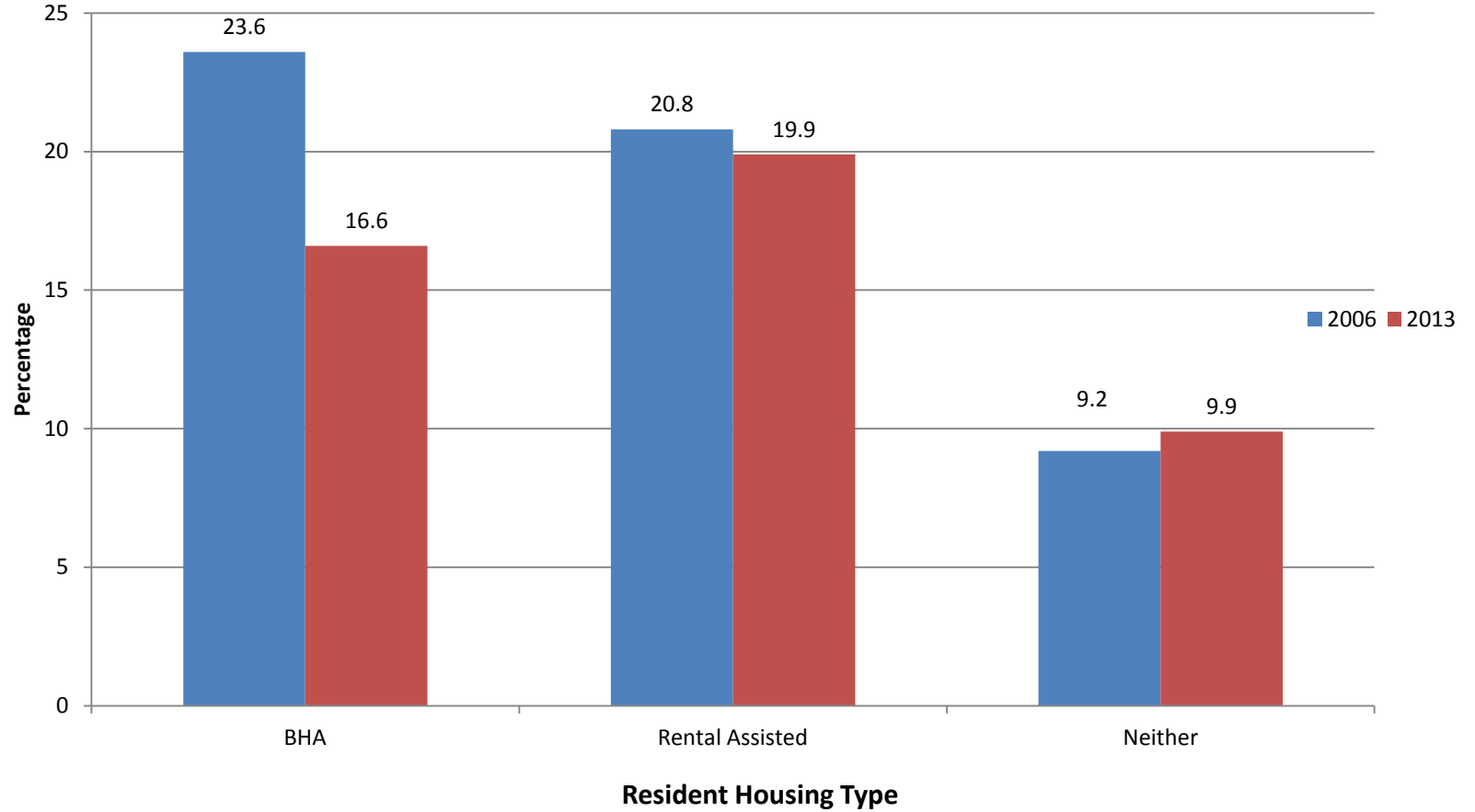
**Figure 6.10 Asthma Hospitalizations\* by Race/Ethnicity and Year**



\*Age-adjusted rates

DATA SOURCE: Inpatient Hospital Discharge Database, Massachusetts Center for Health Information and Analysis

# Self Reported Asthma Rates



Source: Boston Behavioral Risk Factor Surveillance System (BBRFSS), Boston Public Health Commission Research Office

# Boston Snapshot

- With 617,591 residents
  - @46% non-Latino White
  - @26.3% non-Latino Black
  - @18.6% Latino
  - @9.1% Asian
- Active advocacy and health care presence
- Very old housing, lots of rental housing
- 10% of Boston population in public or BHA administered housing





# Timeline of Boston Healthy Homes Collaborations



1999

BPHC establishes Healthy Housing Office



2005

Breathe Easy at Home is piloted



2006

Healthy Pest Free Housing Initiative



2010

BHA announces smoke free housing



2012

Rental Registration and Inspection Ordinance



2014

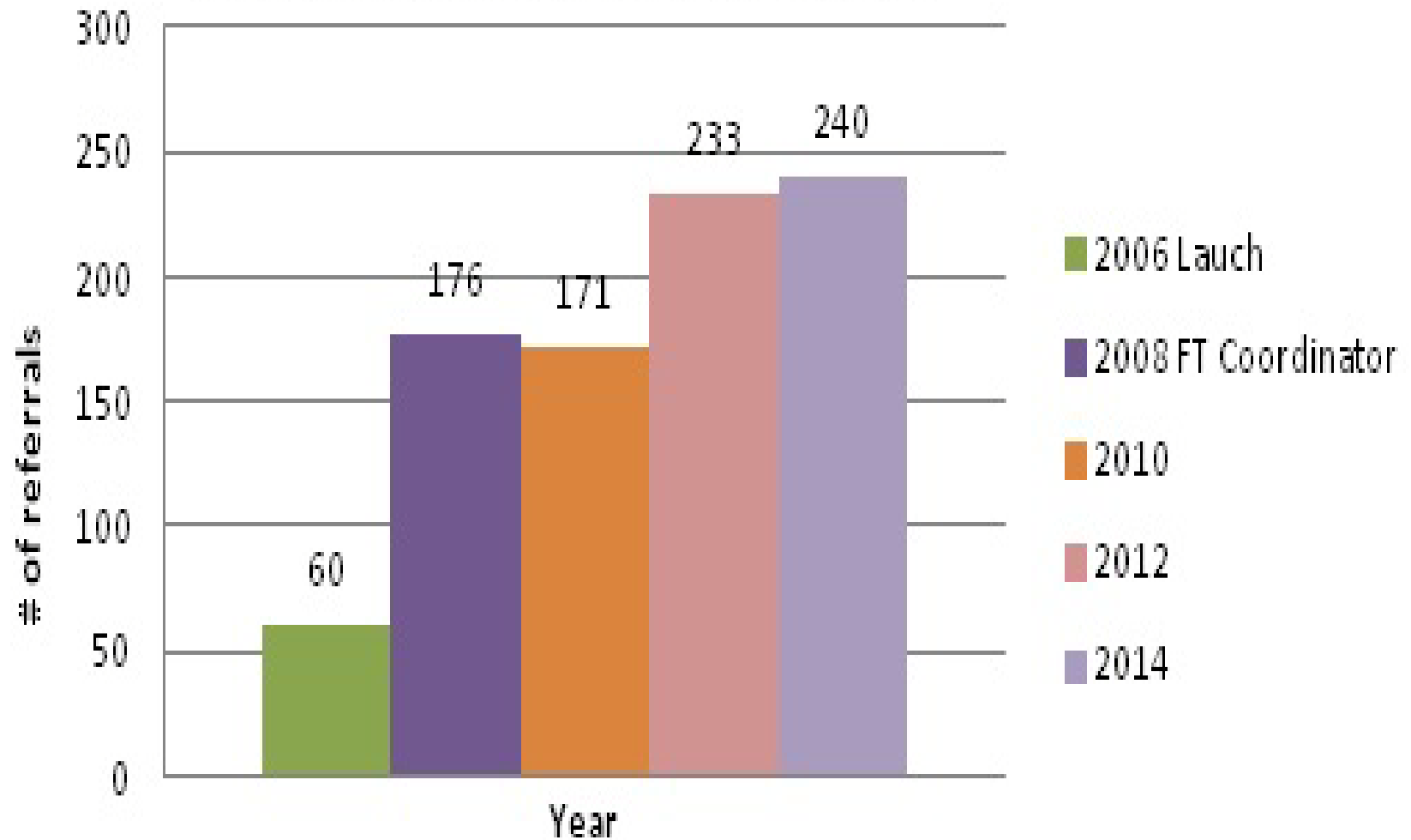
Office of Fair Housing and Equity



# Breathe Easy at Home

- BEAH is a web-based system referral system, allowing clinicians to request home inspections for their asthma patients.
  - Partnership between Inspectional Services Department (ISD), Boston Public Health Commission and medical partners based on state sanitary code for housing.
  - Addresses exposures which trigger asthma and are covered by sanitary codes for housing.
  - Clinicians receive case updates by email.
  - Encourages clinicians to explore environmental asthma triggers with their patients.

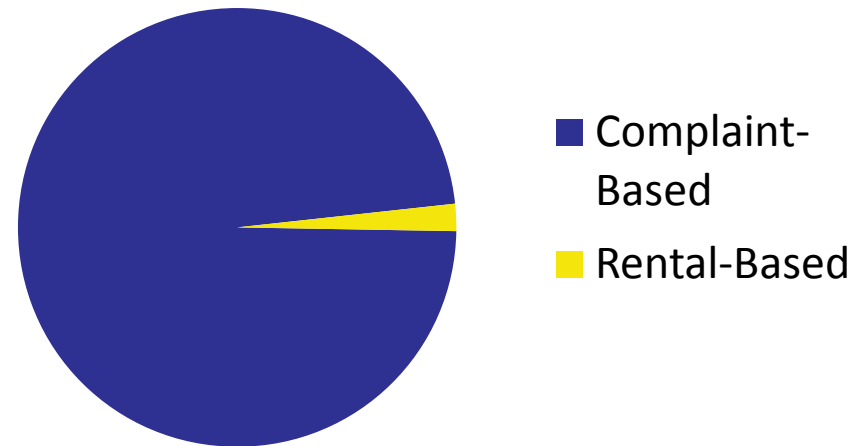
## Breathe Easy At Home Referrals (2006-2014)



# Boston's Rental Ordinance, CBC 9-1.3

- Established 1984
- Originally: inspection required on occupant turn-over.

**Percentage of Total Inspections per Annum**



# Healthy Housing is not a Landlord Issue or a Tenant Issue.

- Tenant complaints = Adversarial process
- Some tenants in substandard housing do not complain
- Housing Code Enforcement Process is not as “friendly” as Boston’s Rental Inspection Process.



# Amended Rental Ordinance, CBC 9-1.3

- New **inspection** trigger: 5 Year Cycle (2014)
- 162,000 private rental units

## **Added registration requirement:**

- Registration Frequency - Annually (2013)
- Owner occupied properties with 6 units or less must register (exempt from fee)
- Funding Source: Registration Fees
- Enforcement: Fines, Prosecution
- Inspections are performed under Massachusetts State Sanitary Code, 105 CMR 410, “minimum standards for human habitation.”

# Notice to Tenants

- Info on occupants obtained from property owners
- Notification letter sent via USPS
  - I. Explanation of ordinance
  - II. Inspection date and time



# Non-compliance by Owners

Assessed 'points' for failing to register units, comply with notice of violation, or pay municipal fines

Consequences:

- Inclusion on Problem Property List
- Subject to Court Prosecution
- Inspection frequency changes annually or every 3 years

# Tenant/Occupant Protection

- City and court officials meet frequently
  - I. Awareness/ requirements of ordinance
- In MA, owner cannot evict occupant for exercising their right to decent housing
- Collaboration with other city agencies and non-profit organizations that provide home repair assistance.

# Illegal/Uninhabitable Units:

- Official determines severity of violation
  - I. Does it require immediate repair?
- Work with property owners to obtain alternate housing for occupant(s)
- Work closely with housing agency to prioritize relocation assistance
- Tenants/ occupants are referred to legal aid as well as housing resource center

# Occupant Violations

- All initial inspections (tenant and property owner) receive a checklist of conditions (violations)
- 30 days is given for non-emergency violations
- Opportunity to remedy violation is always 1<sup>st</sup> option

# Reporting Requirements

Annual reports for City Council/Mayor  
Registry Year 1 Reports:

- # of units registered: 123,000 (74%)
- # of properties registered: 27,000
- # of property owners: 18,000
- # of rental units selected : 25-30K (Year 1)
- Inspections to date: 10,000 units in compliance

\* 20% of total units inspected per year

# The Pushback – August 2013

Just days before the deadline, **fewer than 35 percent** of the city's rental units were registered.

• *“I don't think it's workable. It's going to be an impossible task to inspect all of the apartments proactively.”* Harold Brown, chair and CEO of the Hamilton Company

(2,000-3,000 units in Boston) Radio Boston, August 2013.

• *“I think this is just another big, bloated bureaucracy,” she said. “I think it's just there to raise revenue for the city. This is not going to benefit anyone but them.”* Boston

Landlord , Boston Globe, August 27<sup>th</sup>, 2013.

# The Pushback – Spring 2014

- New Mayoral administration
- Several city councilors who previously supported the PRI, started to withdraw support; some described the process as **confusing**, overly **burdensome** for small landlords, and wrong to require exempt landlords to still pay filing **fees**.
- *“I am not surprised that the new administration is looking at this ordinance. It was well-intentioned, but ill conceived and probably shouldn’t have passed the council.”* – Boston City Councilor

# MAJOR THREAT

## Menino proposes massive inspections

### Unconstitutional Will push up rents

Negative impact  
on lower-income  
neighborhoods

designed to bring all apartments “up to code,” would be added to the present system where inspections are triggered by tenant and citizen complaints. The proposal must be approved by the Boston City Council.

Such a program would be a huge invasion of privacy, a huge intrusion of the government into the lives of tenants, who have every right to

tions would allow inspectors to view evidence of tenants’ habits, religious practices, political beliefs, drug use and other personal information that can be gleaned from entering living rooms, kitchens, bedrooms and bathrooms.

Moreover, the inspections are very bad housing policy and will tend to push many rents up. But worse



# Small Property Owners Association website

January 2014

## Boston's mandatory inspections ordinance will kick out poorer tenants & gentrify lower-income neighborhoods

Skip Schlorring | January 24, 2014 | Inspections, Sticky Post, Uncategorized | 8 Comments



**Boston's controversial rental registration and inspection ordinance will gentrify its lower-income neighborhoods.** Cash-strapped owners will not be eligible for loans. They will be forced to sell cheap, go into bankruptcy, or simply abandon their buildings. Here's why.

**NO FINANCING IS AVAILABLE** Banks will not lend money to cash strapped owners who want to repair their non owner occupied properties to comply with the new ordinance. The only options these owners will have is to do a complete re financing of their property or take out a second line of credit against their primary residence. No financing means cash-strapped owners will be in a serious crisis, forced to sell at a cheap price, forced into bankruptcy, or simply forced to abandon their buildings, even if they are tenant-occupied.

**NO WAY TO DEAL WITH NONPAYING TENANTS** The ordinance has no provision for evicting nonpaying tenants, yet the inspections will find enough code violations to allow tenants to withhold rent for months and months, putting extra financial burdens on owners who must do repairs. More owners will be forced to sell cheap, to go bankrupt, or to abandon their buildings.

**GENTRIFICATION WILL KICK OUT POORER TENANTS** Who will buy these buildings that cash-strapped owners will have to sell cheap? Higher-income investors who will have the money to fix them up. They will kick out lower-income tenants, fix up the buildings, and rent them to higher-income tenants. That's gentrification.

### **Our goal is repeal**

**Boston Mayor-elect Marty Walsh** said he would "do everything in my power to overturn this ordinance."

# Community and Clinical Partners Reframe the Message

## Advocates

- *BHHSC recognizes that underserved populations are at risk of living in homes that lack proper ventilation, are subject to pest infestations, and/or contain lead...If the Ordinance...is not in place, residents of Boston rental housing units would be less protected from the indoor environmental hazards that can negatively affect their health.* -Laurita Kaigler-Crawle, (then current) Director, Boston Healthy Homes and Schools Collaborative, in a letter to the Boston City Council.
- *We're supportive because the ordinance will take pressure off the tenant and put it on the landlord to make sure they are complying with the state sanitary code. The \$25 fee works out to about \$2/month for the landlord.*— Kathy Brown, Director, Boston Tenants Coalition, on Radio Boston.

## Clinicians

- *My world changed when I was a pediatric resident in 1997. I was working in the Pediatric Intensive Care Unit at Boston Medical Center, and I admitted a child with a terrible asthma attack...I realized that no amount of medicine I could give this young child would make it safe for her to go home. The prescription I wanted to write was for a healthy home.* -Megan Sandel, pediatrician, Boston Medical Center, in an op-ed in the Boston Globe, April 8, 2014.

# An Ordinance that Works

- *"Boston has some of the oldest housing stock in the country, and too often we only find out about serious health and safety issues through tenant complaints or after a tragedy has struck. This is an important step in ensuring access to safe and healthy housing for all Bostonians. Proactive inspections that will begin [spring 2014] will allow the city to correct housing problems sooner and connect landlords with services and programs that will help them repair their units quickly and at lower cost. We heard concern from our constituents that the registration fees may have been a barrier to some landlords, but this amendment strikes a balance with those concerns and addressing the real safety issues we see in neglected rental properties."* -City of Boston Mayor Martin Walsh, Spring 2014.

