

HEALTHY HOMES CODE

A regulation establishing standards of hygiene and sanitation governing the condition and maintenance of occupied or vacant dwellings; improved or unimproved property; establishing standards governing supplies, utilities, and facilities and other physical things and conditions essential to make dwellings safe, sanitary, and fit for occupants of dwellings; authorizing the inspection of dwellings when necessary, and the condemnation of dwellings found to be unfit for human habitation.

Whereas, in the Mahoning County General Health District, there are, or may in the future be, dwelling structures which are so dilapidated, unsafe, dangerous, unhygienic, or unsanitary as to constitute a menace to the health and safety of the occupants thereof and of the people of the Mahoning County General Health District.

By authority of Section 3709.21, Ohio Revised Code, be it therefore resolved by the Board of Health of the Mahoning County General Health District as follows:

References

- (1) Ohio Revised Code 3734.07 Inspections; Certifications; and Right of Entry
- (2) Ohio Revised Code 3707.01 Powers of Board; Abatement of Nuisances
- (3) Ohio Revised Code 505.86 Collection cost of abating dangerous property conditions
- (4) U.S. Environmental Protection Agency Manual #EPA 402-K-01-001 Standards for Mold Remediation in Schools and Commercial Buildings
http://www.epa.gov/iaq/molds/mold_remediation.html
- (5) U.S. Environmental Protection Agency Manual #EPA 402-K-02-003 A Brief Guide to Mold, Moisture, and Your Home. <http://www.epa.gov/iaq/molds/moldguide.html>
- (6) Ohio Administrative Code 3701-31 Department of Health, Swimming Pools and Spas
- (7) International Code Council, International Property Maintenance Code, 2003
- (8) New York City Department of Health and Mental Hygiene. Guidelines On Assessment and Remediation of Fungi In Indoor Environments
<http://www.nyc.gov/html/doh/html/epi/moldrpt1.shtml>

- (9) Healthy Housing Reference Manual Centers for Disease Control and Prevention and U.S. Department of Housing and Urban Development. Atlanta: US Department of Health and Human Services 2006
www.cdc.gov/healthyplaces/healthyhomes.htm

Section 1.0 Definitions

- 1.1 Accessory Structure means a detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on or partially on any premise. (Barn, garage, shed, privy, etc.)
- 1.2 Basement means a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.3 Board of Health means the Board of Health of the Mahoning County General Health District.
- 1.4 Cellar means a portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.5 Clean means free from dirt, impurities, food, soil, human wastes, and/or mismanaged waste streams.
- 1.6 Dwelling means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing as hereinafter defined shall be exempted from the provisions of these regulations.
- 1.7 Dwelling Unit means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating of meals.
- 1.8 Habitable Rooms means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, including bathrooms, water closet, compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage space, and any other room designated by the Health Commissioner.
- 1.9 Health Commissioner means the Health Commissioner of the Mahoning County

General Health District or the Health Commissioner's authorized representative.

- 1.10 Hygiene means the science of health and its maintenance.
- 1.11 Infestation means the troublesome spreading or swarming presence of insects, rodents, or other pests within or around the dwelling.
- 1.12 Meaning of Certain Words Whenever the words "accessory structure", "dwelling", "dwelling unit", or "premise", are used in this regulation, they shall be construed as though they were followed by the words "or any part thereof."
- 1.13 Multiple Dwelling means any dwelling containing three or more dwelling units.
- 1.14 Occupant means any person living, sleeping, cooking, eating in, or having actual possession of a dwelling unit.
- 1.15 Operator means any person who has charge, care, or control of building, or part thereof, in which dwelling units or rooming units are let.
- 1.16 Owner means any person who, alone or jointly or severally with others;
 - (a) shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof.
 - (b) shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provision of this regulation.
- 1.17 Person means an individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or any entity, public or private, recognized by law.
- 1.18 Plumbing means and includes all of the following supplied facilities and equipment; gas, pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.
- 1.19 Potable Water means drinkable; safe from harmful bacteria and chemical impurities;

from an approved source.

- 1.20 Premise means a lot, plot, or parcel of land including the buildings, or structures thereon.
- 1.21 Rooming Unit means any room or group of rooms forming a single habitable unit used or intended to be used for living or sleeping, cooking or eating purposes.
- 1.22 Sanitation means the science and practice of effecting healthful and hygienic conditions.
- 1.23 Sanitary means conditions relating to health that are free from filth or pathogens.
- 1.24 Solid Waste means such unwanted residual solid or semisolid material including but not limited to garbage, scrap tires, combustible and non-combustible materials, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic flyash and bottom ash, including at least ash that results from combustion of coal, biomass fuels, and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty percent of heat input in any month, spent nontoxic foundry sand, and slag and other substances which are not harmful or inimical to public health, and includes, but is not limited to, garbage, combustible and non-combustible material, street dirt, and debris, as defined in Section 3745-27-01(U) of the Administrative Code of Ohio.
- 1.25 Swimming Pool means any outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing.
- 1.26 Supplied means paid for, furnished or provided by or under the control of the owner.
- 1.27 Temporary Housing means:
 - (a) A recreational vehicle as defined in Section 4501.01, Revised Code, when occupied for periods of less than thirty days.
 - (b) A 'camp' or 'park or camp' as defined in Rules 3701-25-51 and 3701-25-01 of the Ohio Administrative Code.
 - (c) Any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more

than thirty consecutive days.

Section 2.0 Inspection of Dwellings, Dwelling Units, Accessory Structures and Premises

- 2.1 Whenever the Health Commissioner determines that there is probable cause to believe that there has been a violation of any provision of this regulation, the Health Commissioner is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, accessory structure, and/or premises located within the Mahoning County General Health District, in order that the Health Commissioner may perform the duty of safeguarding the health and safety of the occupants of dwellings and of the general public.
- 2.2 If the entry authorized by Section 2.1 of this section is refused or if the inspection or investigation so authorized is refused, hindered, or thwarted by intimidation or otherwise, the Board of Health, Health Commissioner, or authorized representative may apply for and obtain a search warrant.

Section 3.0 Enforcement - Service of Notices and Orders

- 3.1 Whenever the Health Commissioner determines that there is probable cause to believe that there is a violation of any provision of this regulation, the Health Commissioner shall give written notice of such violation to the owner, occupant, or other person in charge thereof and shall allow such time to correct the alleged violation in a manner as the Health Commissioner determines necessary, giving due consideration to the immediacy of the threat to health existing by reason of the alleged violation. The time allowed for the correction of such violation shall be stated in the notice. The notice provided herein shall be served on the owner/occupant or other person in charge.

Section 4.0 Sanitation Standards

- 4.1 No person shall occupy as owner-occupant, or let to another for occupancy any dwelling, dwelling unit, or accessory structure for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements.
 - 4.1.1 Every dwelling or dwelling unit shall be connected to sanitary facilities or other sewage facilities as approved by the Health Commissioner for receiving wastes from kitchen sinks, water closets, lavatories, bathtub or shower, laundry facilities or such other devices.
 - 4.1.2 Every dwelling unit shall have an operable lavatory, sink, and bathing

facilities (tub or shower).

- 4.1.3 Every dwelling and dwelling unit shall be supplied with a potable water supply.
 - 4.1.4 Every dwelling shall have a safe unobstructed means of egress leading to safe and open outdoor space at ground level.
 - 4.1.5 Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects, and/or rodents, or other pests on the premises; and every occupant of a multiple dwelling unit shall be responsible for such extermination whenever his/her dwelling unit is the only one infested.
 - 4.1.6 No person shall keep or harbor any animal, fowl, or their wastes within 100 feet of a dwelling occupied by others so as to create offensive odor or unsanitary conditions which are a menace to the health, comfort, or safety of the public.
 - 4.1.7 Every foundation, floor, ceiling, wall, roof, window, exterior door, and basement hatchway shall be reasonably weather-tight and rodent-proof.
 - 4.1.8 Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
 - 4.1.9 Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he/she occupies and controls.
 - 4.1.10 No owner or operator shall cause any service, facility, equipment or utility which is required under this regulation to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him/her except for such temporary interruption as may be necessary while actual repairs of alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Health Commissioner.
- 4.2 No person shall let to another for occupancy any dwelling, dwelling unit, or accessory structure for the purpose of living, sleeping, cooking, or eating, therein, which does not comply with the following requirements.
- 4.2.1 Every bathroom, water closet, compartment, laundry, or habitable room shall

be adequately ventilated.

- 4.2.2 In every dwelling unit, the openings to the outdoors, resulting from doors and windows customarily open when flies, mosquitoes, and other insects are prevalent, shall be properly screened.
- 4.2.3 No basement or cellar shall be used as a habitable room or dwelling unit unless: the floors and walls are impervious to leakage of underground and surface runoff water and are effectively insulated against dampness.
- 4.2.4 Every dwelling unit shall be sanitary, free from visible mold growth in excess of 10 contiguous square feet in habitable rooms or in excess of 100 contiguous square feet elsewhere, and fit for human occupancy.

Section 5.0 Property Maintenance Standards

- 5.1 Every dwelling unit shall have adequate solid waste storage and disposal facilities, type and location of which are acceptable to the Health Commissioner.
- 5.2 Exterior property areas and accessory structures shall be free from health, fire, and accident hazards, and vermin, insect, and rodent harborage, infestation, and conditions which might create a nuisance.
- 5.3 Private, residential swimming pools shall be maintained in a clean and sanitary condition and in good repair so as not to breed mosquitoes. All inground swimming pools shall be properly secured from unauthorized access. All above ground swimming pools with decks and/or ladders shall be properly locked.

Section 6.0 Variances

- 6.1 The Board of Health may grant a hearing to a person and authorize in specific cases, such variance from the requirements of these regulations as will not be contrary to the public interest, where the person shows that because of practical difficulties or other special conditions their application will cause unusual or unnecessary hardship. However, no variance shall be granted that will defeat the spirit and general intent of these regulations, or otherwise not be in the public interest.
- 6.2 The application for variance provided in Section 6.1 hereof shall be in writing filed with the secretary of the Board of Health. Said application shall be heard by the Board of Health at the next regular or special meeting of the Board provided that the Board shall not consider such application sooner than the 5th day after the filing of

the same with the secretary. Notice to the persons shall be given stating the time and place of the hearing on said application.

Section 7.0 Orders and Legal Procedure of Condemnation

7.1 Any dwelling, dwelling unit, accessory structure, or premise which is found to have any of the following defects may be 'condemned as dangerous to life or health' and declared a public nuisance by the Board of Health

- (a) One which because of its general condition or location is so unsanitary, vermin infested, or otherwise dangerous that it creates a serious hazard to the health and safety of the occupants or the public;
or
- (b) An occupied building or structure which lacks sanitation facilities adequate to protect the health or safety of the occupants or the public;
or
- (c) One which violates any of the requirements of Sections 4.0 or 5.0.

7.1.1 Whenever the Board of Health has declared a dwelling, dwelling unit, accessory structure, or premise as a public nuisance, the Board of Health shall order the same to be placarded. The Board of Health shall give notice to those persons mentioned of such condemnation and of the Board of Health's order to placard the dwelling, dwelling unit, accessory structure, or premise as a public nuisance on or after a certain date which shall not be sooner than five (5) days from the service of the notice.

7.1.2 Whenever any dwelling, dwelling unit, accessory structure, or premise has been designated a public nuisance by the Board of Health, the Board of Health shall order it vacated within the time stated in the order which shall not be sooner than five (5) days and placarded by the Health Commissioner. The dwelling, dwelling unit, accessory structure, or premise so condemned shall remain vacant until abatement of the nuisance or hazard issued by the Board of Health is completed and written approval is secured from the Health Commissioner for its reoccupancy.

7.1.3 If the Board of Health determines that the dwelling, dwelling unit, accessory structure, or premise cannot be improved so as to comply with the provisions of these regulations and that the same is a public

nuisance, the Board of Health may order demolition of same and shall notify the owner, occupant, or other person in charge thereof, which notice shall set forth the date on which said demolition is to take place which shall not be sooner than ten (10) days from the date of said notice.

- 7.2 Any dwelling or dwelling unit which is found to have any of the following defects may be declared unfit for human habitation and unsafe by the Board of Health:
- (a) One which because of its general condition or location is so unsanitary, vermin infested, or otherwise dangerous that it creates a serious hazard to the health and safety of the occupants or the public;
or
 - (b) An occupied building or structure which lacks sanitation facilities adequate to protect the health or safety of the occupants or the public;
or
 - (c) One which violates any of the requirements of Sections 4.0 or 5.0.

Section 8.0 Penalties

- 8.1 Any person who continues in violation of any provision of this regulation after the time allowed to him/her for the correction of an alleged violation in the notice provided in Section 3.1 shall be subject to the penalties provided by Section 3709.99 of the Ohio Revised Code.

Section 9.0 Repeal and Date of Effect

- 9.1 All regulations and parts of regulations in conflict with this regulation are hereby repealed and this regulation shall be in full force immediately upon its adoption, as provided by law.

Section 10.0 Effective or Partial Invalidity

10.1 Should any part of this regulation be declared unconstitutional for any reason, the remainder of this regulation shall not be affected thereby.

Section 11.0 Repeal and Date of Effect

These regulations shall be effective on or after the 17th day of February, 1975.

Passed on the 4th day of February, 1975, by the Board of Health of the Mahoning County General Health District.

(signed) Kevert O. Bean, D.D.S.
President

(signed) Douglas A. Walsh, D.O
Secretary ex-officio

Revised on the 29th day of March, 1990 by the Board of Health of the Mahoning County General Health District.

(signed) Leonard A. Perry
President

(signed) Matthew A. Stefanak, M.P.H.
Secretary ex-officio

Revised on the 25th day of August, 2006 by the Board of Health of the Mahoning County General Health District.

This Regulation shall be effective on and after the 9th day of September, 2006.

(signed) Stephanie Dewar, M.D.
President

(signed) Matthew A. Stefanak, M.P.H.
Secretary ex-officio

I, Matthew A. Stefanak, Clerk of the Board of Health of the Mahoning County General Health District, hereby certify that the above Regulation was published in the Vindicator on August 30, 2006 and on September 6, 2006.

(signed) Matthew A. Stefanak, M.P.H.
Clerk
Board of Health Mahoning County
General Health District

Notary Public