



HANDBOOK

Ohio County Commissioners

Published by: County Commissioners Association of Ohio

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CHAPTER 91

HOUSING CODES

Latest Revision
1994

91.01 HISTORICAL SKETCH

Historically, housing codes were the result of deplorable living conditions that existed in tenement houses occupied primarily by the immigrant population in New York City around the turn of the century. Housing codes, however, were not widely adopted until the early 1950's when Congress, through the urban renewal program, required such codes to help eliminate and prevent future blight and deterioration of housing as a condition to future urban renewal funding.

91.02 PURPOSE OF HOUSING CODES

Housing codes are different from other regulations described in this handbook in that they may apply to existing buildings and may thus be retroactive. Zoning, subdivision, and building codes may only apply to new construction or development, whereas housing codes apply equally to buildings that were built prior to the enactment of the housing code.

With a housing code, it is thus possible to require existing nonconforming dwellings to be modified to conform to health and safety standards. Proper enforcement of a housing code can also minimize problems that over a period of time can cause deterioration of housing conditions which can lead to pockets of dilapidated houses and a general condition of blight.

The housing code can require that the owner properly maintain the structure so that minimum contemporary health standards result. It can also encourage periodic improvements which can reduce the need for future extensive rehabilitation or demolition. Housing codes often require that existing dwellings meet minimum standards of space or living area per occupant, light, ventilation, fire safety, sanitation, and structural condition.

91.03 AUTHORITY OF COUNTY COMMISSIONERS TO ADOPT HOUSING CODES

County commissioners presently have no clear general enabling authority to adopt a housing code. Although some persons claim that Section 307.37 of the Revised Code allows for the adoption of a housing code, this provision is a weak basis for legal authority. This section gives commissioners authority to adopt regulations "...pertaining to...maintenance of single-family, two-family and three-family dwellings...", however, the regulations "...do not affect existing buildings or those being built until one year after such regulations take effect". Moreover, this entire section of the Revised Code deals directly with building codes and thus the legislative intent probably was to provide only for building codes.

91.04 FORMULATION OF WORKABLE PROGRAM

Perhaps a more limited authority to adopt housing codes is contained in Section 303.28 of the Revised Code. This section authorizes county commissioners to formulate a "workable program" to eliminate and prevent the development of blight. The "workable program" may include provisions for "...the diligent enforcement of housing, zoning, and occupancy controls and standards". It should be noted, however, that this is not a general enabling authority but can only be done after a county renewal area has been designated by the county commissioners under Sections 303.26 of the Revised Code which was enacted originally to allow counties to qualify for urban renewal funds.

91.05 HOUSINGS CODES BY HEALTH DEPARTMENTS

Most housing codes applicable to the unincorporated area of the county, because of the lack of a clear general enabling authority, is by regulation of the health department. Authority for the adoption of such regulations by general health districts exist under Section 3707.01 or 3709.21 of the Revised Code, however, some health departments prefer the adoption under Section 3707.01 of the Revised Code, as the technique of enforcement under Section 3707.99 is better.

Housing codes have recently become an area of increasing county concern because of the relationship to the Community Development Block Grant (CDBG) Program of the Department of Housing and Urban Development. Some counties have entered into contracts with their health departments to provide such services as a part of eligible activities under the CDBG program.

The Ohio Department of Health has available a "Recommended Housing Maintenance and Occupancy Regulation and Interpretative Guide" which can be adopted by local health departments to help enforce safe and healthful housing maintenance. In addition, such model code organizations such as the International Conference of Building Officials (ICBO) and the Building Officials Conference of America (BOCA) have model housing codes available for review and/or adoption.