

No. \_\_\_\_\_

## AN ORDINANCE

An Ordinance of the Council of the County of Allegheny ratifying the revisions of Article VI of the Allegheny County Health Department Rules and Regulation concerning housing and community environment.

**Whereas**, Allegheny County, pursuant to the Pennsylvania Local Health Administration Law, 16 P.S. 12001 12028, created the Allegheny County Health Department, and the Allegheny County Board of Health; and

**Whereas**, Section 12011 of the Local Health Administration Law provides for the Board of Health to adopt regulations and submit such regulations to Allegheny County for approval or rejection; and

**Whereas**, on March 6, 2024 during its regularly scheduled public meeting, the Allegheny County Board of Health adopted by affirmative vote the attached revisions to Article VI and

**Whereas**, it is the desire of Council to ratify the revise Allegheny County Health Department regulations as approved by the Board of Health.

***The Council of the County of Allegheny hereby resolves as follows:***

**SECTION 1.        *Incorporation of Preamble.***

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

**SECTION 2.        *Ratification of Regulations.***

Acting pursuant to the Pennsylvania Local Health Administration Law and the Allegheny County Home Rule Charter, County Council hereby ratifies the revisions of the Allegheny County Health Department Rules and Regulations, Article VI, "Houses and Community Environment", attached hereto as Exhibit "A."

**SECTION 3.**            *Severability.*

If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.

**SECTION 4.**            *Repealer.*

Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

*Enacted in Council, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.*

*Council Agenda No. \_\_\_\_\_.*

\_\_\_\_\_  
**Patrick Catena**  
**President of Council**

*Attest:* \_\_\_\_\_

**Jared Barker**  
**Chief Clerk of Council**

*Chief Executive Office \_\_\_\_\_, 2024*

*Approved:* \_\_\_\_\_

**Sara Innamorato**  
**Chief Executive**

*Attest:* \_\_\_\_\_

**Grant Gittlen**  
**Chief of Staff**

**Proposed Revisions of Allegheny County Health Department  
Rules and Regulations, Article IV, Houses and Community Environment ---**

**LEGISLATIVE SUMMARY**

Pursuant to the authority granted to it under the Pennsylvania Local Health Administration Law, Sections 12010(f) and 12011(c), on March 6, 2024, the Allegheny County Board of Health approved revisions to the Allegheny County Health Department (“ACHD”) Rule and Regulation Article VI, “Houses and Community Environment.” The motion to approve passed without opposing vote. This approval was preceded by a 60-day public comment period, including a public hearing held on July 6, 2023.

Throughout the comment period, ACHD and the Housing and Community Environment Program performed outreach activities to encourage comment from all corners of the housing sector. A wide spectrum of stakeholders ultimately submitted comments. The ACHD ultimately received and responded to a total of fourteen (14) unique individuals’ 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 supporting, opposing or offering revisions to amendments found throughout the revised Article. In response to public comment, the Department added language to Section 606 which would authorize the Department to gain immediate entry onto premises in the event of an emergency and in all other regards with access after obtaining a lawful warrant, and which would allow for an inspection of those premises under those circumstances. An additional change, following public comment, would permit the Department to seek remedies at law and equity in furtherance of protecting public health.

In particular, the ACHD proposes the first comprehensive revision to Article VI in nearly 30 years. The proposed revised Article VI would align Allegheny County housing standards with those required under International Property Management Code.

Some of the more notable changes are as follows:

§604 Definitions: several new definitions were added. Some definitions were amended in such a way as to make the provisions clearer.

§606 Entry and Inspection of Dwellings and Premises: As noted above, language was added to Department inspectors’ access to premises in an emergency and with a warrant where there is no emergency.

§607 Penalty Notice: Clarifying language was added to the notice requirement to which the Department must adhere when it finds a violation to Article VI.

§608 Penalties: Penalties were moved to this location in the code from its prior location at Section 664. As noted above, subsection E was added to allow the Department to seek other remedies at law and equity in furtherance of ensuring the protection of public health.

§615 Violations, Notices and Hearings on Dwellings Unfit for Human Habitation: This section was removed in favor of simplifying the way the Department may assess a potential violation.

§621-627 General Structure: These six sections were revised and expanded to make clear the standards of safety to which a property owner must adhere concerning the general structure of dwelling units.

§628-637 Utilities and Fixture: These nine sections were revised and expanded to make clear the standards of safety to which a property owner must adhere concerning the utilities and fixtures within and servicing dwelling units.

§638 Occupant Responsibility: Subsection B-G added to clarify tenant responsibilities with respect to the maintenance and safety of a dwelling.

§639 Landlord Responsibility: Revised to clarify the scope of the owner/landlord responsibility with respect to the maintenance and safety of a dwelling.

§643 Smoke and Carbon Monoxide Detectors: Subsection D was added. This section is intended to include a requirement for smoke detectors in a dwelling.

§651 Lead Hazards: This section was revised to allow an owner to quickly address a potential lead hazard in a dwelling and to clarify the conditions under which the owner must take action.

§654 Responsibility for General Measure: This section was re-written to place responsibility on the owner of premises to control pests where it is evident that the pest has infested shared areas or the owner is at fault for the infestation.

§655 Refuse: Revisions were made to ensure owners provide occupants with trash receptacles sufficient to accommodate the refuse from the dwelling.

§663 Variance Request: This section was moved from its original location at Section 658.

**MEMORANDUM**  
**OFFICE OF THE COUNTY MANAGER**

TO: Jared E. Barker  
Allegheny County Council

FROM: Jennifer M. Liptak  
County Manager

DATE: May 2, 2024

RE: Proposed Ordinance

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Attached is an Ordinance of the Council of the County of Allegheny ratifying the revisions of Article VI of the Allegheny County Health Department Rules and Regulation concerning housing and community environment.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

I am requesting that this item be placed on the agenda at the next Regular Meeting of Council.