

## **Resource Guide**



**Resource Guide.A—Low Income Housing Tax Credit Qualified Allocation Plan (QAP) Criteria  
1990 and 2001 and Potential Rehab Project Influence**

Preferences and Set aside criteria	1990		2001		1990-2001 Change		Potential Rehab Project Influence
	Number of QAPs	Percent	Number of QAPs	Percent	Number of QAPs	Percent	
<b>1. Geographic</b>							
Urban/rural preference	28	60%	37	73%	9	13%	Neutral
Urban/rural set-aside	17	36%	27	53%	10	17%	Neutral
Community size preference	5	11%	13	25%	8	14%	Neutral
Community size set-aside	2	4%	4	8%	2	4%	Neutral
Targeted improvement area preference	15	32%	43	84%	28	52%	Neutral - Positive
Targeted improvement area set-aside	1	2%	1	2%	0	0%	Neutral - Positive
<b>2. Local Housing Needs</b>							
Vacancy rate preference	7	15%	8	16%	1	1%	Neutral
Vacancy rate set-aside	1	2%	0	0%	-1	-2%	Neutral
Poverty rate preference	25	53%	40	78%	15	25%	Neutral
Poverty rate set-aside	3	6%	3	6%	0	0%	Neutral
<b>3. Financing Characteristics</b>							
Other government funding preferences	37	79%	46	90%	9	11%	Neutral
Other government funding set-asides	14	30%	15	29%	1	-1%	Neutral
Equity from developer preferences	2	4%	13	25%	9	21%	Neutral
Equity from developer set-asides	0	0%	0	0%	0	0%	Neutral
<b>4. Resident Characteristics</b>							
Special needs preferences	40	85%	47	92%	7	7%	Negative
Special needs set-asides	4	9%	2	4%	-2	-5%	Negative
Very-low income preferences	35	74%	45	88%	10	14%	Neutral
Very-low income set-asides	1	2%	1	2%	0	0	Neutral

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	Number of QAPs	Percent	Number of QAPs	Percent	Number of QAPs	Percent	
Public housing preferences	45	96%	44	86%	-1	10%	Neutral
Public housing set-asides	0	0%	1	2%	1	2%	Neutral
Large family preferences	38	81%	44	86%	6	5%	Neutral
Large family set-asides	1	2%	0	0%	-1	-2%	Neutral
Elderly preferences	33	70%	41	80%	8	10%	Neutral
Elderly set-asides	3	6%	7	14%	4	8%	Neutral
Homeless preferences	39	83%	36	71%	-3	-12%	Neutral
Homeless set-asides	2	4%	2	4%	0	0%	Neutral
Minority preferences	4	9%	2	4%	-2	-5%	Neutral
Minority set-aside	0	0%	0	0%	0	0	Neutral
<b>5. Project Activities</b>							
At-risk preferences	28	60%	27	53%	-1%	-7%	Neutral
At-risk set-asides	2	4%	9	18%	7	14%	Neutral
New construction preferences	7	15%	5	10%	-2	-5%	Negative
New construction set-asides	1	2%	1	2%	0	0	Negative
Rehabilitation preferences	12	26%	23	45%	11	19%	Positive
Rehabilitation set-asides	1	2%	4	8%	3	6%	Positive
Mixed-used preferences	0	0%	3	6%	3	6%	Neutral
Mixed-used set-asides	0	0%	0	0%	0	0%	Neutral
<b>6. Building Characteristics</b>							
Size of units preferences	29	62%	30	59%	1	-3%	Negative
Size of units set-aside	0	0%	0	0%	0	0%	Negative
Number of units preferences	19	40%	27	53%	8	13%	Negative
Number of units set-asides	2	4%	7	14%	5	10%	Negative
<b>7. Sponsorship Characteristics</b>							
Non-profit type preferences	6	13%	12	24%	6	11%	Neutral
Non-profit type set-asides	5	11%	9	18%	4	7%	Neutral
Non-profit region preferences	27	57%	27	53%	0	-4%	Neutral
Non-profit region set-asides	16	34%	24	47%	8	13%	Neutral
Minority/women business preferences	15	32%	15	29%	0	-3%	Neutral
Minority/woman business set-asides	0	0%	0	0%	0	0%	Neutral

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	Number of QAPs	Percent	Number of QAPs	Percent	Number of QAPs	Percent	
<b>8. Cost Characteristics</b>							
Total cost restrictions	6	13%	19	37%	13	24%	Negative
Unit cost restrictions	2	4%	32	63%	30	59%	Negative
Fee restrictions	22	47%	49	96%	27	49%	Negative
Builders and sponsors profit and risk allowance restrictions	8	17%	46	90%	38	73%	Negative
Syndication restrictions	4	9%	20	39%	16	30%	Neutral
Legal fee restrictions	4	9%	7	14%	3	5%	Negative
<b>9. Affordability Preferences</b>							
Eligibility restrictions	41	87%	45	88%	4	1%	Neutral

*Source:* 1990 and 2000 Qualified Allocation Plan Criteria: Gustafson and Walker (2002).

Potential Rehab Project Influence = Authors Evaluation.

(Positive = supports funding of rehab applications; negative = discourages funding of rehab applications; neutral = doesn't influence the funding of rehab applications)

## Resource Guide.B—Structural Changes to Enhance the Historic Rehabilitation Tax Credit (HTC) Availability for Housing Rehabilitation

Strategy/ Amendment	Description	Detail/ Evaluation
Basis Reduction	Eliminate or lessen the rule that lowers tax benefits dollar-for-dollar according to the amount of credit taken when using the historic rehab credit.	<p>Section 50(c) requires that when a project benefits from investment tax credits such as the Section 47 (of the Internal Revenue Code or IRC) historic rehab tax credits, its tax basis must be reduced by the amount of the investment credit taken. By contrast, the tax basis of a low-income housing tax credit (LIHTC) project, authorized by Section 42 of the IRC, does not have to be reduced by the amount of the allowable LIHTC. Nonetheless, because LIHTCs are figured as a percentage of the qualified basis of a property, when LIHTCs are combined with historic tax credits (HTCs), Section 50(c) has the effect of significantly reducing the amount of equity that otherwise could be made available to a project.</p> <p>A number of practitioners who have looked at this issue have recommended retaining Section 50(c) intact but that the LIHTC rules be amended to provide that any basis reduction required by Section 50(c) be ignored for purposes of calculating the LIHTC. This approach has the benefit of preserving the reduction in depreciation which appears to have been Congress' goal when it enacted the basis reduction rule in 1986, but eliminating the affordable housing disincentive, which presumably Congress did not intend.</p> <p>A second reform would eliminate Section 50(c) or reducing the basis reduction to 50% as was the case prior to 1986. The former approach would increase, not only LIHTCs available to a combined project, but the amount of depreciation as well. As to the latter, it is worth noting that Section 50(c) applies, not only to the HTCs, but also to two other types of investment tax credits, an energy credit and a reforestation credit. Both the energy and reforestation industries have succeeded in inserting provisions into</p>

## Resource Guide.B—Structural Changes to Enhance the Historic Rehabilitation Tax Credit (HTC) Availability for Housing Rehabilitation

Strategy/ Amendment	Description	Detail/ Evaluation
Basis Reduction (continued)		Section 50(c), which provide that their credit projects are subject to only a 50% basis reduction. As a result, historic preservation projects are now the only investment credit eligible activities that continue to suffer dollar-for-dollar basis reduction.
Greater Subsidy in Distressed Areas	Deepen the historic rehab credit in the most difficult to develop and disinvested areas.	<p>This change would stimulate rehab of historic buildings located in difficult to develop areas:</p> <p>Difficult-to-Develop Area (DDA) designation – a concept borrowed from the low-income housing credit program – could be requested to assist historic projects in neighborhoods facing higher than usual development costs. This change would provide a "basis boost" for DDA projects by providing tax credits on 130 percent of a historic project's qualified rehab expenditures.</p>
More “Workability” for Small Deals	Enrich the historic rehab credit on small projects.	<p>The Section 47 Credits create a comparatively shallow subsidy. The shallowness disproportionately affects smaller developments because the potential tax credit from such projects (particularly net of transaction costs) is simply too small to warrant syndication to institutional investors. Meanwhile, the passive loss rules and other limitations often prevent community businesses and individuals from claiming the credit themselves. The result is a credit that no one can or will take.</p> <p>One proposed solution would be to make Section 47 Credits <i>attributable to smaller developments</i> freely transferable. The transaction costs associated with syndication are often prohibitively expensive for smaller projects. Several states have had good experiences with assignable or transferable credits. Another proposed solution is to increase the HTC to 40 percent for small historic projects (under \$2.5 million in total development costs) to assure that there can be enough equity raised to cover the related transaction costs. It has been suggested that projects made eligible for this</p>

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Strategy/ Amendment	Description	Detail/ Evaluation
More “Workability” for Small Deals (continued)		<p>40% credit not also be eligible for a 130% boost were that feature to be built in to the HTC.</p> <p>Any of the foregoing provisions would be useful in convincing the developers of smaller affordable housing projects to do so in a historically sensitive manner, notwithstanding the complexities of the Section 47 Credits. Of course, the 40% credit approach would need to be paired with the repeal of the requirement that HTCs reduce LIHTC basis in order to achieve the desired purpose.</p>
More Favorable Tax Exempt Use Rules	Ease the rules governing non-profit deals so that more community-oriented projects move forward.	<p>The Tax-Exempt Use Property rules contained in Section 168(h) of the Internal Revenue Code (IRC) severely complicate efforts to utilize the Section 47 Credits in the rehab of properties owned by or leased to schools, churches, or other nonprofits. Properties owned by or leased to state, local, and federal government entities are similarly affected. At best, such projects suffer higher transaction costs, while many simply are never done. Failing to properly structure such transactions can invalidate the entire Section 47 Credits. The availability of LIHTCs, on the other hand, is not affected by the triggering of the tax-exempt use rules. It is particularly ironic that Section 168(h) disproportionately hinders the most worthy projects, and hits especially hard in the affordable housing context where nonprofits are most active.</p> <p>Several fixes for these problems have been proposed. An obvious proposal is to simply exempt Section 47 Credits transactions from the tax-exempt use rules. Another proposal is to exempt only transactions involving units of government while putting all other Section 47 projects on the same footing as LIHTC transactions (i.e. a depreciation but not a credit penalty). Some have argued that the enlargement of existing tax-exempt use rules safe harbors and exemptions might provide a more palatable although</p>



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Strategy/ Amendment	Description	Detail/ Evaluation
More Favorable Tax Exempt Use Rules (continued)		less complete legislative solution. Among the more important of these exceptions is the rule that property is not considered tax exempt use property until 35% of its net rentable floor space is subject to disqualified leases, and the exception for short-term lease (generally fewer than three years).
Foster Secondary Markets Financing	Allow changes fostering a secondary market for historic rehab credit projects.	The disposition and recapture rules applicable to Section 47 Credit projects require that the original investor in a transaction hold most of its investment throughout the recapture period. There is no similar prohibition on transfers of interests in LIHTC properties (although in certain circumstances a bond must be posted). As a result, a secondary market in Section 47 properties is currently impossible. This depresses investor interest and also prevents the pooling of transactions. Pooling, if permitted, could be another solution to the current small development problem. Making the HTC transferable to a new investor similar to the way the LIHTC can be resold would facilitate a secondary market for combination LIHTC/HTC deals. This, in turn, would make combination deals more attractive to investors and increase the availability of investment capital for the adaptive reuse of historic resources as affordable housing.
Allow the Historic Credit to be Used with Less Extensive Rehab	Adjust the substantial Rehabilitation Test.	Current law creates a mismatch between the substantial rehabilitation requirements of Section 42 and Section 47. Both the HTC and the LIHTC require that a building must be substantially rehabilitated in order to qualify for the respective credits. Under Section 47, a building is deemed to have been substantially rehabilitated if, during a 24-month period selected by the taxpayer (which must end during the year in which the rehabilitation will be placed in service) qualified rehabilitation expenditures exceed the greater of the adjusted basis of the building and its structural components or \$5,000. The basis of the land is not taken into consideration. Under Section 42, however,

## Resource Guide.B—Structural Changes to Enhance the Historic Rehabilitation Tax Credit (HTC) Availability for Housing Rehabilitation

Strategy/ Amendment	Description	Detail/ Evaluation
<p>Allow the Historic Credit to be Used With Less Extensive Rehab (continued)</p>		<p>an owner need only expend the greater of \$3,000 per unit or 10% of adjusted basis in order to be eligible for the rehabilitation benefit of the LIHTC. This mismatch has the effect of precluding a category of the LIHTC projects (that is, those with “lighter” rehabilitation programs) from also benefiting from the HTC. More generally, it is but another in a long series of departures from the One Rule for Housing principle.</p> <p>Of course, correcting the current mismatch could be achieved by replacing the LIHTC rule with the HTC rule. Most commentators seem to agree, however, that the HTC rule is ill considered. These commentators are generally of the view that sound public policy does not support the particular high bar established by Section 47. Instead, they argue that the program would be more effective if it were revised to allow the use of the credit on moderately rehabilitated buildings. The current requirement that rehabilitation expenditures exceed 100% of adjusted basis has a particularly harsh result in the case of buildings in areas with very high real estate values. Where a party acquires such a building, their basis in the building and its structural parts may be very high (depending somewhat on the allocation of value between land and building). If the building is in relatively good condition, the owner is then foreclosed from using Section 47 Credits as it is unlikely that their rehab expenditures will exceed their basis. This requirement perversely encourages such owners to disinvest in their buildings, and wait until a gut rehab is in order, rather than continuously performing more modest rehabilitation projects.</p>

## Resource Guide.B—Structural Changes to Enhance the Historic Rehabilitation Tax Credit (HTC) Availability for Housing Rehabilitation

Strategy/ Amendment	Description	Detail/ Evaluation
Make the 10 Percent Credit Available for Housing	Expand the inventory of older housing able to use the tax credit.	<p>The 20% Credit can be claimed on all income producing property, including rental housing. As a result of a quirk in the wording of Section 50(b)(2) of the Internal Revenue Code, however, the 10% Credit can be claimed only on income producing property not used in connection with the furnishing of lodging. In other words, the 10% Credit can not be claimed on rental housing projects. This result has appreciable consequences for the production of housing. But for this provision, the structure of the 10% Credit is well suited to allow it to play an important role in financing the adaptive reuse of older, non-historic buildings into affordable housing.</p> <p>Moreover, if made available for housing, the 10% Credit could play a role in solving the nation's housing preservation crisis. The Millennial Housing Commission has described the need to preserve the existing stock of federally assisted affordable housing as "the most pressing crisis in the history of federal involvement in affordable housing." Much of that inventory was constructed beginning in the 1960s. An appreciable portion of this inventory, the Commission found, cannot command rents sufficient to finance needed repairs or is at risk of deterioration and, ultimately, abandonment. The 10% Credit could be a useful tool in assisting existing or new owners of such housing to finance needed repairs if only it (like the 20% Credit) were available for rental housing.</p> <p>Another key change is needed to the 10% Credit to truly make it useful to those developing and, particularly, preserving affordable housing. Currently, in order to be eligible for the 10% Credit, the law requires that the rehabilitated building must have been first placed in service before 1936. It appears that when this provision was written in 1986, Congress selected 1936 out of a belief that</p>

## Resource Guide.B—Structural Changes to Enhance the Historic Rehabilitation Tax Credit (HTC) Availability for Housing Rehabilitation

Strategy/ Amendment	Description	Detail/ Evaluation
Make the 10 Percent Credit Available for Housing (continued)		an old building was one that was at least 50 years old. Because the 1936 date was used (rather than a general requirement that the building be at least 50 years old), the effect is that some two decades later, buildings must now be 70 years old in order to qualify. Under current law, no building from the 1940s and later will ever be eligible, no matter how old they become. Obviously, this problem will only grow greater as time passes, and fewer and fewer buildings remain eligible. A simple solution to this problem is to “index” the age requirement and allow the 10% credit on any building that is at least 50 years old as of the year in which the credit is claimed.

Source: Various documents from the National Trust for Historic Preservation including *Legislative Changes to Enhance the Historic Rehabilitation Tax Credits Availability for Housing and Community Revitalization* (2003a); *Suggested Technical Amendments to the Federal Historic Rehabilitation Tax Credit* (2003b); and *Summary of Federal Historic Rehabilitation Tax Credits Initiatives Identified at Historic Preservation Development Council Regional Meeting* (2003c)

## Resource Guide.C—State Tax Credits for Low-Income Housing

State	Tax Credit Model	Applicability	Tax Credit Level / Investment Requirements	Other
California	Investment Tax Credit	Available to projects that receive federal credits	Tax credit level: - 13% for projects that are federally subsidized - 30% for projects that are not federally subsidized	- 10% allocated to non-profits - 20% allocated to rural areas of state - 2% allocated to projects with 20 or fewer units - Money is divided between the 12 geographic regions of the state according to a set formula - Annual allocation: \$70 Million
Connecticut	Charitable Tax Credit	Federal LIHTC projects automatically qualify for state deductions	- Maximum tax credit: \$400,000	- Annual allocation: \$5 million - Carry forward or backward: 5 years
Hawaii	Investment Tax Credit	- 20% of units rented to households with incomes of 50% or less of area median income  - 40% of units rented to households with incomes of 60% or less of area median income	- State tax credit equal to 30% of the federal credit - Waiver of the 4% general excise tax	- Total amount available per year: \$1.8 million - 10% reserved for non-profits
Illinois	Charitable Tax Credit		- Minimum contribution: \$10,000 - Tax credit level: 50 % of contribution	- Annual allocation: \$13 Million - Portion of allocation reserved for projects not in the City of Chicago - Portion of allocation reserved for Employer Assisted Housing - Credits are transferable
Massachusetts	Investment Tax Credit	- 20% of units rented to households with incomes of 50% or less of area median income  - 40% of units rented to households with incomes of 60% or less of area median income	State credit typically allocated in lieu of a portion of federal credit, which the project might otherwise receive.	- Annual Allocation: \$4 Million - Carry Forward: 5 years - Credits are awarded according to competitive scoring process - 65% set aside for new units - 35% set aside for rehabilitated units - 10% reserved for non-profits

## Resource Guide.C—State Tax Credits for Low-Income Housing

State	Tax Credit Model	Applicability	Tax Credit Level / Investment Requirements	Other
Minnesota	Charitable Tax Credit	Housing must be affordable to households below 80% of area or statewide median household income	- Tax credit valued at 50% of contribution - Minimum contribution: \$1,000 - Maximum contribution: \$250,000	- Rental or home ownership projects qualify
Missouri	Charitable Tax Credit	100% of donation must be used to house families with a household income less than 50% of the area median income	- Tax credit level not to exceed 55 % - Tax credit per firm not to exceed \$1,000,000 - No minimum donation	- Total amount available per year: \$11,000,000 - Credits are transferable - Carry forward: 10 years
New Jersey	Investment Tax Credit	Investment tax credit to businesses, against business related income, that contribute to 501(c)(3) organizations (e.g. CDCs) that have registered state neighborhood plans with the NJ Department of Community Affairs	- New Jersey Neighborhood Revitalization tax credit provides a 50 percent state tax credit to business entities that invest in the revitalization of low- and moderate-income neighborhoods in eligible cities. - Businesses can contribute between \$25,000 and \$1 million per year. A multi-year commitment to a nonprofit organization is encouraged. - Up to \$10 million per year is available to businesses	- Contributions to nonprofit organizations can be used for projects including affordable housing, economic development, workforce development, open space, social services, business assistance, and other activities that promote neighborhood revitalization. - 60 percent of the tax credit funds must be used for housing and economic development activities, which include rehab and construction of affordable housing (including planning).
North Carolina	Tax Linked Bonus	Paired with awarding of federal LIHTC, but with more restrictive guidelines	- Credit available as a grant or a loan  Bonus level: - 10% of development costs for “high” income counties - 20% of development costs for “moderate” income communities - 30% of development costs for “low” income communities	Average state expenditure per unit: \$14,500
Oregon	Investment Tax Credit	- One hundred percent of the savings from the reduced loan must be directly passed through to low-income tenants  - Low-income households are those having less than 80% of the area median income	- The Oregon Affordable Housing Tax Credit (OAHTC) Program provides a state income tax credit for affordable housing loans for which a lender reduces the interest rate by up to four percent.  - Applicants can get an OAHTC on an affordable housing loan for the maximum of the first \$1,000,000 in principal loan balance.	Annual allocation: \$7 Million
Utah	Investment Tax Credit	Paired with application for and awarding of Federal LIHTC	-Maximum allocation of state tax credits is 10 percent of the maximum federal allocation.	Annual allocation: \$300,000
<p>Note: There are three affordable housing tax credit models administered through state housing finance agencies. These are:</p> <ul style="list-style-type: none"> <li>• The Investment Tax Credit: modeled after the federal Low Income Housing Tax Credit (LIHTC) in both form and function.</li> <li>• The Tax-Linked Bonus: a one-time grant from a state based on a formula that is tied to federal tax credits.</li> <li>• The Charitable Tax Credit: provides state tax credits to charitable donors who donate money to housing projects effected out by non-profits.</li> </ul>				

## Resource Guide.D—State Tax Credits for Historic Preservation

State	Tax Credit Level	Applicability	Investment Requirements / Cap	Other
Colorado	20%	<ul style="list-style-type: none"> <li>• Residential</li> <li>• Commercial</li> <li>• Tenants with five year leases</li> <li>• Properties designated by national, state, or local governments qualify</li> </ul>	<ul style="list-style-type: none"> <li>• For rehab expenses up to \$50,000</li> <li>• Minimum investment: \$5,000</li> <li>• Cap: \$50,000 per property or 20% of the qualified costs of the rehab (the lesser)</li> </ul>	<ul style="list-style-type: none"> <li>• Carry forward: 10 years</li> <li>• DOI Standards apply</li> <li>• Fees: \$250-\$1,000</li> </ul>
Connecticut	30%	<ul style="list-style-type: none"> <li>• Owner-occupied residential (include apartments up to 4 units)</li> <li>• Targeted: only eligible in 29 municipalities</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum expenditure: \$25,000</li> <li>• Cap: \$30,000 per dwelling unit, \$3 million statewide annually</li> </ul>	<ul style="list-style-type: none"> <li>• Carry forward: 4 years</li> <li>• Transferable developer to buyer</li> <li>• Recapture period: 5 years</li> </ul>
Delaware	20% (I-P) 30% (H-O)	<ul style="list-style-type: none"> <li>• Income-producing</li> <li>• Homeowner credit</li> </ul>	<ul style="list-style-type: none"> <li>• Cap: \$20,000 (homeowner credit cannot exceed)</li> <li>• Maximum credits: \$3 million per year</li> </ul>	<ul style="list-style-type: none"> <li>• 10% bonus credit for rental and owner-occupied that qualify as low-income housing</li> <li>• Carry forward: 10 years</li> <li>• Credits transferable</li> </ul>
Georgia	20% (I-P) 10% (OOT) 15% (OONT)	<ul style="list-style-type: none"> <li>• Income-producing</li> <li>• Owner-occupied targeted area</li> <li>• Owner-occupied non-targeted area</li> </ul>	<ul style="list-style-type: none"> <li>• Limit \$5,000 in credits over 10 years</li> </ul>	
Indiana	20%	<ul style="list-style-type: none"> <li>• Commercial</li> <li>• Rental housing</li> <li>• Barns and farm buildings</li> </ul>	<ul style="list-style-type: none"> <li>• For rehab costs up to \$100,000</li> <li>• Minimum investment: \$5,000 over 2 years</li> <li>• Cap: \$20,000 per-project, statewide \$450,000 annually</li> </ul>	<ul style="list-style-type: none"> <li>• Carry forward: 15 years</li> <li>• Pre-approval of work</li> <li>• DOI Standards apply</li> </ul>
Iowa	25%	<ul style="list-style-type: none"> <li>• Commercial</li> <li>• Residential (includes barns)</li> </ul>	<ul style="list-style-type: none"> <li>• Cap: \$2.4 million statewide annually</li> </ul>	<ul style="list-style-type: none"> <li>• DOI Standards apply</li> </ul>
Kansas	25%	<ul style="list-style-type: none"> <li>• Commercial</li> <li>• Residential</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum: \$5,000 minimum on qualified expenditures</li> <li>• No caps</li> </ul>	<ul style="list-style-type: none"> <li>• Carry forward: 10 years</li> <li>• Credit freely transferable</li> </ul>
Louisiana	25%	<ul style="list-style-type: none"> <li>• Income producing properties in “downtown development districts”</li> </ul>	<ul style="list-style-type: none"> <li>• Cap: \$250,000 per structure</li> </ul>	<ul style="list-style-type: none"> <li>• Carry forward: 5 years</li> </ul>
Maine	20%	<ul style="list-style-type: none"> <li>• Owner</li> <li>• Lessee</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum expenditure: \$5,000</li> <li>• Cap: \$100,000</li> </ul>	<ul style="list-style-type: none"> <li>• Uses SOI Standards</li> <li>• Carry forward: 5 years</li> <li>• Compliance: 5 years</li> </ul>

## Resource Guide.D—State Tax Credits for Historic Preservation

State	Tax Credit Level	Applicability	Investment Requirements / Cap	Other
Maryland	20%	<ul style="list-style-type: none"> <li>• Owner-occupied residential</li> <li>• Commercial</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum investment: \$5,000 for owner-occupied residential, higher for commercial/rental housing</li> <li>• Cap: \$3 million credit cap per project for income-producing; \$15 million statewide</li> </ul>	<ul style="list-style-type: none"> <li>• Carry forward: 10 years</li> <li>• Credit transferable to new owners</li> <li>• DOI Standards apply</li> <li>• As a result of legislative changes made earlier this year, historic tax credits for commercial projects, including rental housing, will be made from a reserve fund that is subject to annual appropriation by the state legislature.</li> </ul>
Massachusetts	20%	<ul style="list-style-type: none"> <li>• Income-producing</li> </ul>	<ul style="list-style-type: none"> <li>• Cap: \$10 million annually</li> </ul>	<ul style="list-style-type: none"> <li>• DOI Standards apply</li> <li>• Carry forward: 5 years</li> </ul>
Michigan	25%	<ul style="list-style-type: none"> <li>• Commercial</li> <li>• Residential</li> <li>• Owner</li> <li>• Lessee</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum expenditure: 10% property's State Equalized Value (SEV) (if not available, 5% appraised value).</li> <li>• Must first apply to federal 20% to be eligible</li> </ul>	<ul style="list-style-type: none"> <li>• DOI Standards apply</li> <li>• Five year recapture provision</li> <li>• Carry forward: 10 years</li> <li>• Must comply with DOI Standards</li> <li>• State credit reduced by amount of federal credit</li> </ul>
Missouri	25%	<ul style="list-style-type: none"> <li>• Rental</li> <li>• Residential</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum expense: 50% of total basis in the property</li> <li>• No cap</li> </ul>	<ul style="list-style-type: none"> <li>• DOI Standards apply</li> <li>• Carry back: 3 years</li> <li>• Carry forward: 10 years</li> </ul>
Montana	5%	<ul style="list-style-type: none"> <li>• Income-producing (state credit in addition to federal 20% credit)</li> </ul>	<ul style="list-style-type: none"> <li>• None specified</li> </ul>	<ul style="list-style-type: none"> <li>• Carry forward: 7 years</li> </ul>
New Mexico	50%	<ul style="list-style-type: none"> <li>• Commercial</li> <li>• Owner-occupied residential</li> <li>• Rental</li> <li>• Archaeological</li> <li>• Tenants with five-year leases</li> </ul>	<ul style="list-style-type: none"> <li>• For rehab costs up to \$25,000</li> <li>• Minimum investment: none</li> <li>• Cap: \$25,000 per project, or 50% of amount spent on rehab</li> </ul>	<ul style="list-style-type: none"> <li>• Carry forward: 4 years</li> <li>• DOI Standards apply</li> <li>• Pre-approval required</li> </ul>
North Carolina	30% (H) 20% (C)	<ul style="list-style-type: none"> <li>• Homeowners</li> <li>• Commercial</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum investment: \$25,000 (for 30%)</li> <li>• 20% can be combined with federal for total 40% allocation; permits "pass through"</li> </ul>	<ul style="list-style-type: none"> <li>• Allows redistribution of credits</li> </ul>
North Dakota	25%	<ul style="list-style-type: none"> <li>• None specified</li> </ul>	<ul style="list-style-type: none"> <li>• Cap: \$250,000 (project)</li> </ul>	<ul style="list-style-type: none"> <li>• Carry forward: 5 years</li> </ul>



## Resource Guide.D—State Tax Credits for Historic Preservation

State	Tax Credit Level	Applicability	Investment Requirements / Cap	Other
Rhode Island	30% (I-P) 20% (O-O)	<ul style="list-style-type: none"> <li>Income-producing</li> <li>Owner-occupied residential</li> </ul>	<ul style="list-style-type: none"> <li>Minimum investment: must exceed 50% of adjusted basis of structure or \$2,000</li> <li>Caps: none</li> <li>Maximum credit: \$2,000 per year</li> </ul>	<ul style="list-style-type: none"> <li>Freely transferable</li> <li>Carry forward: 10 years</li> <li>Unused credits can be carried forward if property is maintained</li> <li>Interior work ineligible</li> </ul>
South Carolina	10% (I-P) 25% (O-O)	<ul style="list-style-type: none"> <li>Income-producing</li> <li>Owner-occupied (no federal credits)</li> </ul>	<ul style="list-style-type: none"> <li>Minimum: rehab expenses must exceed \$15,000</li> </ul>	<ul style="list-style-type: none"> <li>Transfer prohibited</li> </ul>
Utah	20%	<ul style="list-style-type: none"> <li>Residential</li> </ul>	<ul style="list-style-type: none"> <li>Minimum investment: \$10,000 over three years</li> <li>Cap: none</li> </ul>	<ul style="list-style-type: none"> <li>DOI Standards apply</li> <li>No fees</li> </ul>
Vermont	10% (DDA) 25% (NFC)	<ul style="list-style-type: none"> <li>Designated downtown areas</li> <li>No federal credit areas</li> </ul>	<ul style="list-style-type: none"> <li>Cap: \$25,000 per project, \$1million statewide</li> <li>If minimum expenditure exceeds \$5,000 or adjusted basis of historic building (whichever greater), additional 5% state tax credit attainable</li> </ul>	<p>Must show that:</p> <ul style="list-style-type: none"> <li>Is compliant with ADA, building, life safety codes</li> <li>Lead paint and other toxins abatement taking place</li> <li>Is a redevelopment of a contaminated site</li> <li>Façade is being rehabbed to contribute to integrity of downtown development district</li> </ul>
Virginia	25%	<ul style="list-style-type: none"> <li>Owner-occupied residential</li> <li>Commercial</li> </ul>	<ul style="list-style-type: none"> <li>Minimum: improvements must be at least 25% of assessed value for owner-occupied and 50% for other buildings</li> <li>No caps</li> </ul>	<ul style="list-style-type: none"> <li>DOI Standards apply</li> <li>Allows partners to allocate credits through private contract</li> <li>Carry forward: 10 years</li> </ul>
West Virginia	20% (R) 10% (Other)	<ul style="list-style-type: none"> <li>Residential</li> <li>Rental residential and income-producing eligible for federal credits</li> </ul>	<ul style="list-style-type: none"> <li>Minimum expenditure: 20% of basis, exclusive of land</li> <li>No caps</li> </ul>	<ul style="list-style-type: none"> <li>DOI Standards apply</li> <li>Carry forward: 5 years</li> </ul>
Wisconsin	25% (OOR) 5% (C)	<ul style="list-style-type: none"> <li>Owner-occupied residential</li> <li>Some farm buildings</li> <li>Commercial</li> </ul>	<ul style="list-style-type: none"> <li>Minimum investment: \$10,000 over two years; extendable to five years; expenses should be equal to building's basis</li> <li>Cap: \$10,000 per project</li> </ul>	<ul style="list-style-type: none"> <li>Can be used with federal 20% credit</li> </ul>

*Note:* DOI = Refers to the Secretary of the Interior's Standards for Rehabilitation (see Strategy Guide, Section II.C).

*Source:* Beaumont, Pianca, Becker and Schwartz. 2003

## Resource Guide.E—State Property Tax Incentives for Historic Rehabilitation

State	Geographic Application	Property Type	Property Tax Treatment	Provisions	Other
Alabama	Statewide	Commercial	Tax Reduction	Properties assessed at 10% of appraised values (vs. 20% for non-historic properties)	No time limit on the reduction.  Contact: Alabama Historical Commission 334-242-3184 <a href="http://www.preservationala.org">www.preservationala.org</a>
Arizona	Statewide	Residential and Commercial	Rehab Refund	Owner-occupied property receives a reduction of up to 50% in property tax assessment. Owner must sign 15-year agreement to maintain property; can renew for 15 more years. Annual certification of compliance with agreement required. Property must be on National Register of Historic Places. No minimum investment required, but if rehab carried out, must comply with Department of Interior (DOI) standards.	Penalty: equal to 50% of total amount of property tax reduction, or 50% of market value of property, whichever is less. Commercial properties to be taxed at 1% (vs. 25%) of property value for 10 years.  Contact: Arizona State Parks 602-542-4174 <a href="http://www.pr.state.az.us/partnerships/shpo/shpo.html">www.pr.state.az.us/partnerships/shpo/shpo.html</a>
Alaska	Local option		Rehab Assessment / Abatement	Fairbanks North Star Borough assesses property owned by non-profit organizations and listed on the National Register of Historic Places at the rate prior to rehab.	Contact: Office of History & Archeology 907-269-8721 <a href="http://www.dnr.state.ak.us/parks/oha/shpo/shpo.htm">www.dnr.state.ak.us/parks/oha/shpo/shpo.htm</a>

## Resource Guide.E—State Property Tax Incentives for Historic Rehabilitation

State	Geographic Application	Property Type	Property Tax Treatment	Provisions	Other
California	Local option	Residential and Commercial	Tax Reduction	Assessments may be reduced by up to 50%. No minimum investment unless locality requires one. Owner signs 10-year contract to maintain and, if necessary, rehab structure.	Renovated property must comply with DOI standards. Penalty: up to 12.5% of property value.
Delaware	Local option	Residential and Commercial	Rehab Assessment/Abatement	Newark freezes property tax assessments at pre-rehab levels for rehabbed historic residences. Kent County Levy Court passed (9/28/99) county property tax credit equal to 50% of qualified rehab. Dover also has a property tax credit program. Exterior improvements only, must meet DOI standards.	Contact: Delaware State Historic Preservation Office 302-739-5685 <a href="http://www.state.de.us/shpo/default.shtml">www.state.de.us/shpo/default.shtml</a>
Florida	Local option	Residential (owner occupied) and Commercial	Rehab Assessment/Abatement	Localities may exempt up to full value of improvements. Value of improvement must equal 50% of property's assessed value.	Exemptions do not apply to school taxes. Term: up to 10 years, but locality determines. Nationally or locally designed property may qualify. DOI standards apply to both exterior and interior renovations. 51 of Florida's Certified Local Governments have adopted the tax abatement.  Contact: Florida Division of Historical Resources 850-487-2333 <a href="http://www.dhr.state.ga.us/dnr/histpres">www.dhr.state.ga.us/dnr/histpres</a>

## Resource Guide.E—State Property Tax Incentives for Historic Rehabilitation

State	Geographic Application	Property Type	Property Tax Treatment	Provisions	Other
Georgia	Statewide	Residential and Commercial	Rehab Assessment/ Abatement	8-year freeze; 2-year phase-out, with property taxes returning to normal in 10 <sup>th</sup> year. Minimum investment: rehab must increase property's market value by 50% if owner-occupied residential; by 75%, if mixed use; by 100%, if commercial.	Georgia permits local governments with preservation ordinances to exercise "local option" and provide property tax freezes on income-producing landmark historic structures. Three jurisdictions have adopted this program: Athens, Atlanta, and Cobb County.  Contact: Georgia Historic Preservation Division 404-656-2840
Hawaii	Local	Residential	Tax Exemption	Property tax exemption for residential owner-occupied properties on the Register of Hawaii Historic Places (time period varies) in four counties: Hawaii, Maui, Kauai, and Honolulu.	Contact: Hawaii State Historic Preservation Division 808-692-8015 <a href="http://www.state.hi.us/dlnr/hpd">www.state.hi.us/dlnr/hpd</a>
Idaho			Assessment to Reflect Encumbrances	Local assessors may consider restrictions on historic properties in assessments, but program not used.	Contact: Idaho State Historical Society 208-334-2682 <a href="http://www.idahohistory.net">www.idahohistory.net</a>

## Resource Guide.E—State Property Tax Incentives for Historic Rehabilitation

State	Geographic Application	Property Type	Property Tax Treatment	Provisions	Other
Illinois	Statewide Local option for commercial properties	Residential (owner occupied) and Commercial	Rehab Assessment/Abatement	8-year freeze; 4-year phase-out for total of 11 years of abatement. Minimum investment: 25% of property's market value.	<p>Mandatory for all taxing districts, including municipalities, school districts, and airport authorities unless they opt out. Owner-occupants of condos, co-ops, multi-unit property (up to 6 units), and single-family residential qualify. National Register or locally designated properties qualify. DOI standards apply. Local option for commercial properties.</p> <p>Approximately 1,625 projects approved since the program began in 1983.</p> <p>Contact: Illinois Historic Preservation Agency 217-785-1153 <a href="http://www.state.il.us/hpa">www.state.il.us/hpa</a></p>

## Resource Guide.E—State Property Tax Incentives for Historic Rehabilitation

State	Geographic Application	Property Type	Property Tax Treatment	Provisions	Other
Indiana	Statewide Local option for commercial properties	Commercial (owner occupied) and commercial	Rehab Assessment/Abatement	Buildings more than 50 years old that have been reassessed because of rehab may receive a deduction from the assessed value of the building. The amount of the deduction is equal to 50% of the increase in assessed value attributable to the rehab, and the deduction may be taken only for the first 5 years following date of assessment increase. Owner must invest at least \$10,000 in rehab project.	No historic approval required. Cap: \$60,000/year, single-family; \$300,000/year, other.  Contact: Indiana Department of Natural Resources 317-232-1646 <a href="http://www.state.in.us/dnr/historic/index.html">www.state.in.us/dnr/historic/index.html</a>
Iowa	Local option at county level for eligible properties	Commercial and Residential	Rehab Assessment/ Abatement	4-year freeze on increased valuations attributable to rehab; 4-year phase-out.	Approximately 3-10 projects approved per year for property tax reduction program.  Contact: State Historical Society of Iowa, Property Tax Exemption Program 515-281-8639 <a href="http://www.iowahistory.org/preservation/index.html">www.iowahistory.org/preservation/index.html</a>
Kentucky	Statewide	Residential	Rehab Assessment/ Abatement	5 year freeze on property tax increases attributable to improvements made to residential properties at least 25 years old in designated “neighborhood improvement zones.”	Contact: Kentucky Heritage Council 502-564-7005 <a href="http://www.state.ky.us/agencies/khc/khchome.htm">www.state.ky.us/agencies/khc/khchome.htm</a>
Louisiana	Local option	Commercial and Residential	Rehab Assessment/ Abatement	5-year freeze; renewable for 5 more years. Owner-occupied residential (including condominiums and duplexes) and commercial. Minimum investment: 25%	25% credit for income producing properties in “downtown development districts.” \$250,000 cap per structure that can be carried forward 5 years.

## Resource Guide.E—State Property Tax Incentives for Historic Rehabilitation

State	Geographic Application	Property Type	Property Tax Treatment	Provisions	Other
				of assessed value for residential over 2 years; no minimum for commercial.	Contact: Louisiana Department of Culture, Recreation & Tourism 225-342-8200 <a href="http://www.crt.state.la.us/crt/ocd/hp/ocdhp.htm">www.crt.state.la.us/crt/ocd/hp/ocdhp.htm</a>
Maine	Local option		Tax Exemption	Local option to provide for a reimbursement in property taxation in exchange for an owner's agreement to maintain a property in accordance with municipally adopted historic preservation or scenic view criteria.	Contact: Maine Historic Preservation Commission 207-287-2132 <a href="http://www.state.me.us/mhpc">www.state.me.us/mhpc</a>
Maryland	Local	Commercial and Residential	Rehab Assessment/ Abatement		Contact: Maryland Historical Trust 410-514-7600 <a href="http://www.marylandhistoricaltrust.net">www.marylandhistoricaltrust.net</a>
Massachusetts	Local option	Residential	Rehab Assessment/Abatement	Provide tax abatement to historic property homeowners who rehab their property according to appropriate standards. The return to normal property taxes is phased in over 5 years.	Contact: Massachusetts Historical Commission 617-727-8470 <a href="http://www.state.ma.us/sec/mhc">www.state.ma.us/sec/mhc</a>
Mississippi	Local option	Commercial and Residential	Rehab Assessment/ Abatement	Abatement up to 7 years. 14 communities participate in the abatement program.	Contact: Mississippi Division of Historic Preservation 601-359-6940 <a href="http://www.mdah.state.ms.us/hpres/hprestxt.html">www.mdah.state.ms.us/hpres/hprestxt.html</a>

## Resource Guide.E—State Property Tax Incentives for Historic Rehabilitation

State	Geographic Application	Property Type	Property Tax Treatment	Provisions	Other
Missouri	Local option	Commercial and Residential	Rehab Assessment/ Abatement	Property tax abatement available in designated blighted areas. No historic review.	Contact: Missouri Historic Preservation Program 573-751-7858 <a href="http://www.dnr.mo.gov/shpo/homepage.htm">www.dnr.mo.gov/shpo/homepage.htm</a>
Montana	Local option	Residential	Rehab Assessment/ Abatement	Abatement up to 5 years.	Contact: Montana State Historic Office 406-444-7715 <a href="http://www.his.state.mt.us">www.his.state.mt.us</a>
Nebraska			Assessment to Reflect Encumbrances	Restrictions on properties encumbered by historic easements may be taken into account by tax assessors.	Contact: Nebraska State Historical Society 402-471-4787 <a href="http://www.nebraskahistory.org/histpres/index.htm">www.nebraskahistory.org/histpres/index.htm</a>
New Jersey	Statewide	Residential	Rehab Assessment/ Abatement	State allows 5-year deferrals of property tax increases attributable to rehab on homes at least 20 years old. No historic review.	Contact: New Jersey Historic Preservation Office 609-984-0176 <a href="http://www.state.nj.us/dep/hpo">www.state.nj.us/dep/hpo</a>
New York	Local option	Historic Properties	Rehab Assessment/ Abatement	Real property tax exemption for improvement to historic properties. 5-year freeze followed by 5-year phase-in at a rate of 20% a year.	Contact: New York Parks, Recreation & Historic Preservation Agency 518-474-0443 <a href="http://www.nysparks.com/field">www.nysparks.com/field</a>
North Carolina	Local option	Commercial and Residential	Rehab Assessment/ Abatement		Contact: North Carolina Historic Preservation Office 919-733-4763 <a href="http://www.hpo.dcr.state.nc.us">www.hpo.dcr.state.nc.us</a>



## Resource Guide.E—State Property Tax Incentives for Historic Rehabilitation

State	Geographic Application	Property Type	Property Tax Treatment	Provisions	Other
North Dakota	Statewide	None specified	Rehab Assessment/ Abatement	Improvements exempt for 3 years on properties at least 25 years old. No historic controls.	Contact: State Historical Society of North Dakota 701-328-2666 <a href="http://www.state.nd.us/hist">www.state.nd.us/hist</a>
Ohio			Assessment to Reflect Encumbrances	Tax assessors must consider any reduction in property values attributable to historic easement restrictions.	Contact: Ohio Historic Preservation Office 614-298-2000 <a href="http://www.ohiohistory.org/resource/histpres">www.ohiohistory.org/resource/histpres</a>
Oregon	Statewide	Commercial and Residential	Rehab Assessment/ Abatement	15-year freeze on pre-rehab value of historic properties listed on National Register. Commercial property allowed to reapply for a second, separate freeze if ADA, energy, or seismic improvements are required.	Program sunsets in 2010.  Contact: Oregon State Parks & Recreation Department 503-378-4168 <a href="http://www.shpo.state.or.us/shpo/index.php">www.shpo.state.or.us/shpo/index.php</a>
South Carolina	Local option	Commercial and Residential	Rehab Assessment/ Abatement	2-year freeze; for next 8 years, property taxed at 40% of post-rehab assessment or pre-rehab assessment, whichever is greater. Nationally or locally designated properties qualify. Minimum invest: 50% of building's appraised value over 2 years.	Contact: Department of Archives and History 803-896-6100 <a href="http://www.state.sc.us/scdah/histrcpl.htm">www.state.sc.us/scdah/histrcpl.htm</a>
South Dakota	Statewide	None specified	Rehab Assessment/ Abatement	8 year freeze on increased valuations due to approved historic rehab.	Contact: South Dakota State Historic Preservation Office 605-773-3458 <a href="http://www.sdhistory.org/HP/histpres.htm">www.sdhistory.org/HP/histpres.htm</a>

## Resource Guide.E—State Property Tax Incentives for Historic Rehabilitation

State	Geographic Application	Property Type	Property Tax Treatment	Provisions	Other
Tennessee			Assessment to Reflect Encumbrances	Tax assessors required to consider reduction in property values attributable to historic easement restrictions.	Contact: Tennessee Historical Commission 615-532-1550 <a href="http://www.state.tn.us/environmental/hist">www.state.tn.us/environmental/hist</a>
Texas	Local option	Commercial and Residential	Tax Exemption, Rehab Assessment/ Abatement	Partial or full exemption from property taxes allowable. Details of abatement programs up to participating municipalities. School taxes never exempted.	26 cities and counties participate.  Contact: Texas Historical Commission 512-463-6100 <a href="http://www.thc.state.tx.us">www.thc.state.tx.us</a>
Virginia	Local option	Commercial and Residential	Rehab Assessment/ Abatement  Assessment to Reflect Encumbrances	No historical benefit, but substantial improvements on buildings at least 15 years old may be exempted from property tax assessments for up to 15 years.  Assessors must consider reduced property values attributable to easements on historic properties.	Contact: Virginia Department of Historic Resources 804-367-2323 <a href="http://www.dhr.state.va.us">www.dhr.state.va.us</a>
Washington	Local option	Commercial and Residential	Rehab Assessment/ Abatement  Assessment to Reflect Encumbrances	10-year special valuation. Minimum investment: 25% of building's assessed value prior to rehab.	42 cities and counties participate. Historic properties may be taxed according to their current, rather than "highest and best" use.  Contact: Washington Office of Archeology & Historic Preservation

## Resource Guide.E—State Property Tax Incentives for Historic Rehabilitation

State	Geographic Application	Property Type	Property Tax Treatment	Provisions	Other
					360-407-0753 <a href="http://www.oed.wa.gov/info/lgd/oahp">www.oed.wa.gov/info/lgd/oahp</a>
District of Columbia			Assessment to Reflect Encumbrances	Historic properties may be assessed according to their actual rather than “highest and best” use.	Contact: District of Columbia Historic Preservation Division 202-442-4570 <a href="http://planning.dc.gov/preservation/index2.shtm">planning.dc.gov/preservation/index2.shtm</a>

*Source:* Beaumont, Pianca, Becker and Schwartz. 2003.

*Note:* *Tax exemption/reduction* measures grant full or reduced property taxation because of historic and other status (e.g., nonprofit ownership) of the property.

*Rehab refund* program reduces the existing (prerehabilitation) property taxes if the landmark is properly renovated. *Rehab assessment/abatement* programs mandate either no upward reassessment of the renovated landmark property, or only partial upward assessment of the renovated landmark property.

DOI: Refers to the Secretary of the Interior’s Standards for Rehabilitation (see Strategy Guide, section II.C).

## Resource Guide.F—Overview of Accessibility Laws

	<b>I. Architectural Barriers Act of 1968 (ABA)</b>	<b>II. Section 504 of the Rehabilitation Act of 1973</b>	<b>III. Fair Housing Amendments Act of 1988 (FHA)</b>	<b>IV. Americans with Disabilities Act (ADA) of 1990</b>
A. General applicability	Buildings financed by federal funds <sup>a</sup>	Activities and facilities with Federal funds <sup>a</sup>	All housing. Public accommodations within residential buildings (i.e., the rental office of a residential building) are not regulated by the FHA, but rather by the ADA	Public accommodations, commercial facilities, and state and local governments
B. General requirements	Buildings must provide accessible entrances, routes, and common areas	“Program accessibility” <sup>b</sup> such that the physically challenged must be provided with equal opportunity in housing programs and facilities	Dwellings must meet design requirements so that that the physically challenged can modify the units for their use. Units must meet spatial requirements for kitchens and bathrooms, height requirements for environmental controls (e.g., light switches, thermostats) and construction requirements (reinforced walls that allow for installment of grab bars)	For state and local governments and public accommodations: <ul style="list-style-type: none"> <li>all newly constructed buildings must be readily accessible and usable by persons with disabilities;</li> <li>all altered portions of existing buildings and facilities must be readily accessible and usable by persons with disabilities;</li> <li>all barriers to accessibility in existing public accommodations must be removed when “readily achievable.”</li> </ul> For commercial facilities that are not public accommodations: <ul style="list-style-type: none"> <li>All new construction and alterations are readily accessible.</li> </ul>
C. Standard used	<i>Uniform Federal Accessibility Standards (UFAS)</i>	<i>UFAS</i> as a guide, or other guidelines that provide equal or greater accessibility	HUD’s <i>Fair Housing Accessibility Guidelines</i> or American National Standard Institute’s A117.1	<ul style="list-style-type: none"> <li>Americans with Disabilities Act <i>Standards for Accessible Design</i> (Title II or Title III)</li> <li><i>UFAS</i> (Title II only)</li> </ul>
D. New construction	Buildings shall have accessible routes (e.g., egress routes, elevators, stairs, etc.). “At least one of each type of common area and amenity in each project shall be accessible and shall be located on an accessible route” <sup>c</sup>	Buildings shall have accessible routes and common areas. A minimum of 5% of dwelling units must be made accessible for persons with mobility impairments, and an additional 2% made accessible for persons with visual and hearing impairments.	Buildings shall have accessible routes and common areas. Ground-floor units in nonelevator buildings and all units in elevator buildings must comply with design requirements.	<ul style="list-style-type: none"> <li>Facilities must be built in strict compliance with appropriate accessible standards</li> <li>Regarding accessible routes, see ADA Standards for Accessible Design, 4.1 and 4.3. Accessible routes must connect all accessible elements that are used for getting onto the site; connect other accessible buildings and accessible site amenities; and link all accessible spaces and elements within the building or facility to accessible entrances</li> </ul>

## Resource Guide.F—Overview of Accessibility Laws

	<b>I. Architectural Barriers Act of 1968 (ABA)</b>	<b>II. Section 504 of the Rehabilitation Act of 1973</b>	<b>III. Fair Housing Amendments Act of 1988 (FHA)</b>	<b>IV. Americans with Disabilities Act (ADA) of 1990</b>
E. Rehabilitation	All additions and alterations must comply with new construction standards. If additions do not include entry routes and restroom facilities, an existing route and restroom must meet <i>UFAS</i> new-construction standards	All additions and alterations <sup>4</sup> must comply with new-construction standards. If additions do not include entry routes and restroom facilities, an existing route and restroom must meet new-construction standards. Every dwelling unit that is altered must meet the new-construction accessibility standards (see II.C. above) until minimum requirements for new construction have been achieved (see II.D. above)	Does not apply, however, housing providers must allow physically challenged individuals to make necessary alterations	Alterations (for Title II only): <ul style="list-style-type: none"> <li>Facilities must be renovated in accordance with appropriate accessible standards to the maximum extent feasible</li> <li>See <i>ADA Standards for Accessible Design</i>, 4.1.6. Accessible routes must comply with new construction standards unless technically infeasible. If altered space is a “primary function” area, an accessible path of travel to the altered area must be provided</li> </ul>
F. Existing Buildings	Does not apply. However, if an existing building is renovated to comply with the other laws, then ABA rehabilitation standards apply	Programs and facilities receiving federal funds must be made accessible to the physically challenged. If building alterations are not made, an aide may be assigned to the physically challenged person	Does not apply, housing providers must allow physically challenged individuals to make necessary alterations.	Existing public accommodations: <ul style="list-style-type: none"> <li>Public accommodations are required to remove barriers when it is feasible to do so without much difficulty or expense. For a list of sample of modifications, see DOJ TAMIII-4.4200. When a public accommodation can demonstrate that the removal of barriers is not readily achievable, the public accommodation must make its goods and services available through alternative methods</li> </ul>
G. Historic Preservation				<ul style="list-style-type: none"> <li>Facilities must be renovated in accordance with appropriate standards on accessibility to the maximum extent feasible. However, if following the alterations standards would threaten or destroy the historic significance of the facility, alternative minimum standards may be used. These alternative minimum standards may be used only</li> </ul>

## Resource Guide.F—Overview of Accessibility Laws

	<b>I. Architectural Barriers Act of 1968 (ABA)</b>	<b>II. Section 504 of the Rehabilitation Act of 1973</b>	<b>III. Fair Housing Amendments Act of 1988 (FHA)</b>	<b>IV. Americans with Disabilities Act (ADA) of 1990</b>
G. Historic Preservation (continued)				<p>in consultation with the state historic preservation officer or his/her designate</p> <ul style="list-style-type: none"> <li>• For requirements for accessible routes, see <i>ADA Standards for Accessible Design</i>, 4.1.7. An accessible route is only required from one site access point; a ramp may be steeper than is ordinarily permitted; an accessible toilet is required; and accessible routes are only required on the level of the accessible entrance</li> </ul>

*Source:* Author’s research and consultation with the National Trust for Historic Preservation.

### *Notes*

- a. This includes “any building that is (1) constructed or altered by or on behalf of the United States, (2) leased by the federal government, or (3) financed in whole or in part by a grant or a loan made by the United States (if the law authorizing such grant or loan prescribes standards for design, construction, or alteration).”
- b. Program accessibility requires that the program must provide an equal opportunity to physically challenged persons to obtain a unit. It does not require that every unit be accessible. For instance, a housing program with several buildings may provide an equal opportunity for the physically challenged by providing accessibility units in one of the buildings, or by designating an aide to the physically challenged person.
- c. See Section 4.1.3 of the *Uniform Federal Accessibility Standards*.
- d. According to the *UFAS*, alteration, as applied to a building or structure, means a change or rearrangement in the structural parts or elements, or in the means of egress or in moving from one location or position to another. It does not include normal maintenance, repair, reroofing, interior decoration, or changes to mechanical and electrical systems (*UFAS*, 3). Furthermore, if, when considered together, alterations of single elements amount to an alteration of a space, a building, or a facility, the entire space shall be made accessible (*UFAS*, 12).
- e. According to Section 8.23 of Section 504, once 5 percent of the dwelling units in a project are readily accessible to and usable by individuals with mobility impairments, no additional elements of dwelling units, or entire dwelling units, are required to be accessible under this paragraph.

## Resource Guide.G—Overview of Housing Receivership Statutes

Statutory Provision	Jurisdiction/ Statutory Provision	Jurisdiction/ Statutory Provision
	California	Connecticut
<b>Statute Citation</b>	§ 564- § 570	§ 47a-56a – § 47a-56j
<b>Triggering: Applicable Circumstances</b>	After a judgment, to enforce the judgment	Tenement building with nuisance conditions- fire hazard or threat to health safety
<b>Triggering: Who Initiates Proceeding</b>	The court before which an enforcement order is being sought	Public authority
<b>Receivership Agent</b>	Not specified	Court appointed (not further specified)
<b>Type of Proceeding</b>	Judicial proceeding	Judicial- Superior Court Show
<b>Receivership Process</b>	Not specified	Cause order- owner doesn't repair property- receiver appointed
<b>Notification Requirements</b>	Not specified	Personal notice. If not possible with "due diligence," notice by mail and posting
<b>Receivership Duties/Powers</b>	Take and keep possession of property, receive rents, collect debts	Collect rents, makes repairs, operates buildings
<b>Receivership Financing</b>	Not specified	From rents. If insufficient, municipality offers/bond financing which constitutes first lien on property
<b>Receivership Compensation</b>	Not specified	"Reasonable fee determined by court"
<b>Receivership Discharge</b>	Not specified	

Statutory Provision	Jurisdiction/ Statutory Provision	Jurisdiction/ Statutory Provision
	Connecticut	Delaware
<b>Statute Citation</b>	§ 47a-14a – § 47a-14h	§§ 5901-5907
<b>Triggering: Applicable Circumstances</b>	Tenement building with code violations and dangerous conditions- lack of heat, light, sewerage, etc.	Rental buildings with conditions "immediately dangerous to the life, health, or safety of the tenant"
<b>Triggering: Who Initiates Proceeding</b>	Majority of tenants	Tenants
<b>Receivership Agent</b>	Court appointed (not further specified)	Public Authority
<b>Type of Proceeding</b>	Judicial- Superior Court Referee	Judicial
<b>Receivership Process</b>	Reviews building conditions- receiver appointed	Tenant action-hearing-owner refusal to repair-receiver appointed
<b>Notification Requirements</b>	Action by tenants filed in local land records	Action filed with county recorder
<b>Receivership Duties/Powers</b>	Collect rents, makes repairs	Collects rents, makes repairs, operates building, compensates tenants for "deprivation of rental agreement"
<b>Receivership Financing</b>	Not specified	Lien on property for amount of repairs. Lien is recorded and notice given to all interested parties
<b>Receivership Compensation</b>	Not specified	Fees allowed
<b>Receivership Discharge</b>		Delaware

## Resource Guide.G—Overview of Housing Receivership Statutes

Statutory Provision	Jurisdiction	Jurisdiction
	Illinois	Illinois
<b>Statute Citation</b>	§§ 65ILCS 5/11-31-1—§65ILCS 5/11-31—2.3	§ 65 ILCS 5/11-13-15
<b>Triggering: Applicable Circumstances</b>	Dangerous abandoned building and/or does not meet code standards	Building in violation of local code
<b>Triggering: Who Initiates Proceeding</b>	Municipal authorities	Public authority or ownership/residents within 1,200 feet of building with code violation
<b>Receivership Agent</b>	Municipality, or person appointed by municipality	Not specified
<b>Type of Proceeding</b>	Judicial	Judicial
<b>Receivership Appointment Process</b>	Order to repair- owner noncompliance- receiver appointed emergency provision allowed	On complain, court issues, “appropriate action”
<b>Notification Requirements</b>	Personal notice; if not possible after “diligent search,” notice by mailing, emergency action exception	When action initiated by private parties, written notice serviced upon municipality
<b>Receivership Duties/Powers</b>	Collect rents, make repairs	Restrain/correct/abate violation
<b>Receivership Financing</b>	From rents, notes or certificates: cost constitutes a lien on property	Not specified. Note: Legal costs recoverable by plaintiff action
<b>Receivership Compensation</b>	Not specified	Not specified
<b>Receivership Discharge</b>	Illinois	

Statutory Provision	Jurisdiction	Jurisdiction
	Indiana	Maryland
<b>Statute Citation</b>	§ 36-7-9-1 – § 36-7-9-33	§ 211–8-211.1
<b>Triggering: Applicable Circumstances</b>	Unsafe building- fire/health, safety hazard, vacant/standard, nuisance, violates code	Leased dwelling unit-single or multifamily with hazardous conditions (e.g. lack of heat, water, sewerage, etc.)
<b>Triggering: Who Initiates Proceeding</b>	Public authority	Tenants
<b>Receivership Agent</b>	Non-profit housing corporation or other capable person	Administrator appointed
<b>Type of Proceeding</b>	Judicial	Judicial
<b>Receivership Appointment Process</b>	Investigates conditions- receiver appointed or other remedy is taken	Tenants notify owner of conditions-owner refuses to repair-court orders rent escrow and appoints administrator
<b>Notification Requirements</b>	Personal notice. If not possible after “reasonable efforts,” notice by newspaper publication, emergency action exception	Mailing of notice or violation
<b>Receivership Duties/Powers</b>	Collect rents, makes repairs	Collects rents, makes repairs
<b>Receivership Financing</b>	From rents or receivership certificate which has first-lien status on both property and rents	From rents
<b>Receivership Compensation</b>	Not specified	Not specified
<b>Receivership Discharge</b>		



## Resource Guide.G—Overview of Housing Receivership Statutes

Statutory Provision	Jurisdiction	Jurisdiction
	Massachusetts	Michigan
<b>Statute Citation</b>	§ 127A – § 127K	§ 125.541
<b>Triggering: Applicable Circumstances</b>	Residential building unfit for human habitation, violating local code, nuisance, or cause of sickness	Imminent danger to health and safety
<b>Triggering: Who Initiates Proceeding</b>	Public authority, tenants	Enforcing agency or occupant of building
<b>Receivership Agent</b>	Court appointed	Municipality, proper local agency or officer, any competent person
<b>Type of Proceeding</b>	Judicial- District or Housing or Superior Court	Judicial proceeding
<b>Receivership Appointment Process</b>	Preliminary investigation or tenant petition- order to repair- owner non-compliance- receiver appointed	Notice of violation or unsafe and dangerous conditions given to the owner with an order to comply. Owner fails to comply—a receiver (no bond required)
<b>Notification Requirements</b>	Authority initiated, service by mail, tenant initiated, personal service or mailing	In writing, owners and lienholders of record with the exercise of reasonable diligence shall be served with a copy of the complaint and a summons regarding the motion for a preliminary injunction or other temporary relief sought
<b>Receivership Duties/Powers</b>	Collect rents, grant liens, borrow money, make repairs	Repair, renovate, rehabilitate, collect rents, manage/let rental units, contract for construction
<b>Receivership Financing</b>	From rents. Receiver's expenses are lien on property. If rents insufficient, state loan can be advanced which constitutes lien on property	Rents, liens
<b>Receivership Compensation</b>	Reasonable fees	Not specified
<b>Receivership Discharge</b>		At discretion of court

Statutory Provision	Jurisdiction	Jurisdiction
	Minnesota	Missouri
<b>Statute Citation</b>	§ 504B.001, § 504B.161, § 504B.171, § 504B.381–§ 504B.471	§ 441.500 –§ 441.643
<b>Triggering: Applicable Circumstances</b>	Health, safety code violations, or breach of promise of habitable and sanitary condition or covenant to not allow illegal activities	Code violations constituting a fire hazard or serious threat to life/health/safety of occupants
<b>Triggering: Who Initiates Proceeding</b>	Tenant, housing-related neighborhood organization or governmental authority	Public authority, or one-third or more of tenants
<b>Receivership Agent</b>	Person or local government unit other than a landlord of the building, the inspector, the complaining residential tenant, in the complaining residential tenant's dwelling unit	Public authority, mortgage, other lienors, or "other qualified person"
<b>Type of Proceeding</b>	Judicial Proceeding, Trial by court without a jury	Judicial
<b>Receivership Appointment Process</b>	Building violation found—repair time expired—complaint filed—allegations proven—receiver	Written complaints—application-order to repair—property owner non-compliance—receiver appointed
<b>Notification Requirements</b>	Personal service to every residential and commercial tenant of the residential. If personal service cannot be made, service may be made by post and by mail	Personal service. If impossible with "due diligence," service according to rules of civil procedure
<b>Receivership Duties/Powers</b>	Collect rents, manages property and encumbers property	Collects rents, makes repairs, operates buildings
<b>Receivership Financing</b>	Rents toward payment of liens. A revolving loan fund	Rent, lien, certificate
<b>Receivership Compensation</b>	Reasonable fees for administrative services	"Reasonable and necessary expenses"
<b>Receivership Discharge</b>	Notice to all parties, petition to the court	Not specified

## Resource Guide.G—Overview of Housing Receivership Statutes

Statutory Provision	Jurisdiction	Jurisdiction
	New Jersey	New Jersey
<b>Statute Citation</b>	§ 2A:42-85 – § 2A:42-86	§ 2A:42-75 – § 2A:42-84.6
<b>Triggering: Applicable Circumstances</b>	Multiple dwelling with violations of standard of fitness for human habitation	Multiple dwelling with conditions harmful to health/safety
<b>Triggering: Who Initiates Proceeding</b>	Public authority	Public authority
<b>Receivership Agent</b>	Public authority, association, other responsible person	Public authority, first mortgagee, other “competent person”
<b>Type of Proceeding</b>	Judicial—Court of competent jurisdiction	Judicial- Superior Court
<b>Receivership Appointment Process</b>	Investigate conditions—owner refusal to make repairs—rents paid to administrator who makes necessary repairs	Preliminary investigation—hearing—owner refusal to make repairs- rent escrow-receiver appointed
<b>Notification Requirements</b>	Notice to landlord not specified. Notice of action to tenants by posting and personal service/mail	Notification to parties in interest
<b>Receivership Duties/Powers</b>	Collect rents, make repairs, keeps accounts, posts bond	Collect rents, make repairs, operate property
<b>Receivership Financing</b>	From rents, defaulted security bond posted by property owner (if available)	From rents
<b>Receivership Compensation</b>	“Reasonable amount for services”	No fees allowed
<b>Receivership Discharge</b>		

Statutory Provision	Jurisdiction	Jurisdiction
	New Jersey	New York
<b>Statute Citation</b>	§ 40:48-2.12 – § 40:48-2.12 r	§§769-782
<b>Triggering: Applicable Circumstances</b>	Building with 20+ units with conditions harmful to health	Multiple dwelling with dangerous conditions
<b>Triggering: Who Initiates Proceeding</b>	Public authority	Public authority or one-third of tenants
<b>Receivership Agent</b>	Public authority, first mortgagee, other competent person	“A person other than a mortgagee or lienor” chosen from approved list
<b>Type of Proceeding</b>	Judicial- Superior court	Judicial
<b>Receivership Appointment Process</b>	Preliminary investigation— owner refusal to make repairs—receiver appointed	Petition to repair-hearing—owner non-compliance— receiver appointed
<b>Notification Requirements</b>	Personal notice. If not possible, notice by posting	Personal notice. If not possible with “due diligence,” notice by registered mail and/or posting
<b>Receivership Duties/Powers</b>	Collect rents, make repairs, operates property	Collect rents, makes repairs, keeps accounting
<b>Receivership Financing</b>	From rents. If insufficient, municipal loan which constitutes a lien on property	From rents only
<b>Receivership Compensation</b>	“No fee allowed”	“Reasonable amount for services” (outside N.Y.C.)
<b>Receivership Discharge</b>		§§769-782

## Resource Guide.G—Overview of Housing Receivership Statutes

Statutory Provision	Jurisdiction	Jurisdiction
	Ohio	Oregon
<b>Statute Citation</b>	§ 3767.41	§ 105.420 - § 105.455
<b>Triggering: Applicable Circumstances</b>	Menace to public health	Threat to the public health, safety or welfare
<b>Triggering: Who Initiates Proceeding</b>	Neighborhood landowner, municipal corporation, non-profit corporation	City or county
<b>Receivership Agent</b>	Non-profit organization, interested financial institution, qualified property manager	A housing authority, an urban renewal agency, a private not for profit corporation, a city or county agency
<b>Type of Proceeding</b>	Judicial proceeding	Judicial proceeding
<b>Receivership Appointment Process</b>	Building is a public nuisance, ordered owner abatement. If abatement order is not satisfied—receiver	Application for receiver— failure to abate, the court shall declare the property unsafe/unsanitary, and appoint a receiver
<b>Notification Requirements</b>	If certified mail service, personal service fail: ordinary mail service, publication service, and copy of the complaint posted in the building.	60 days prior to filing—shall give written notice by regular mail
<b>Receivership Duties/Powers</b>	Take possession and control of the building; enter into contracts; remove unsafe, unsanitary or abandoned property; obtain financing, operate and to manage the property, take reasonable action necessary to maintaining and preserve the property	Take possession of property, collect rents, pay all expenses, pay property taxes, enter into contracts, and may encumber with lien
<b>Receivership Financing</b>		Rents and liens
<b>Receivership Compensation</b>	Receiver may charge a fee for services	Hourly rate or 15% of total cost
<b>Receivership Discharge</b>	Receiver may ask to be discharged; the receiver is discharged by the court	Only by the court

Statutory Provision	Jurisdiction	Jurisdiction
	Rhode Island	Texas
<b>Statute Citation</b>	§34-44-1 - § 34-44-4.1	§ 214.003
<b>Triggering: Applicable Circumstances</b>	Property abandoned and unsafe, or in violation of code and a public nuisance	A historic property in violation of codes.
<b>Triggering: Who Initiates Proceeding</b>	Municipal corporation, neighboring landowner, nonprofit	A home-rule municipality
<b>Receivership Agent</b>	Financial institution with interest of record, non-profit organization, or other qualified property manager	A nonprofit organization with a demonstrated record of rehabilitating residential properties
<b>Type of Proceeding</b>	Judicial proceeding	Judicial proceeding
<b>Receivership Appointment Process</b>	Building abandoned by owner, or either unsafe or otherwise in violation of codes, plus building declared a public nuisance, and owner failed or refused to correct—hearing held for any interested party. After hearing, if no due diligence—receiver	
<b>Notification Requirements</b>	Personal service, residence service, or service by certified mail	Not specified
<b>Receivership Duties/Powers</b>	Present viable financial and construction plan. Collect rents manage property, pay expenses and taxes, enter into contracts, encumber the property	
<b>Receivership Financing</b>	Rents, liens	Rents, possibly liens
<b>Receivership Compensation</b>	Fees and commissions entitled	Not specified
<b>Receivership Discharge</b>	By court when nuisance is abated, fees and liens settled	

## Resource Guide.G—Overview of Housing Receivership Statutes

<b>Statutory Provision</b>	<b>Jurisdiction</b>	<b>Jurisdiction</b>
	Wisconsin	Wisconsin
<b>Statute Citation</b>	§ 254.595	§823.23
<b>Triggering: Applicable Circumstances</b>	Code violations	Health or safety code violation
<b>Triggering: Who Initiates Proceeding</b>	City, village, or town, or any interested person	First class or second class city
<b>Receivership Agent</b>	Disinterested person	Housing authority, redevelopment company, redevelopment corporation or authority, community authority, non-profit corporation. If any of the above unavailable, anyone competent
<b>Type of Proceeding</b>	Judicial proceeding	Judicial proceeding
<b>Receivership Appointment Process</b>	Property declared a public nuisance, property owner or interested party of record has 60 days to eliminate. If not eliminated—receiver	If after the application for appointment of a receiver all interested parties do not act, and the court decides property is a nuisance a receiver is appointed
<b>Notification Requirements</b>	Service of process . . . as provided by law	Notice by 1 <sup>st</sup> class mail to all interested parties. Notice may be recorded with the register of deeds in the county where property is located
<b>Receivership Duties/Powers</b>	May need to furnish a bond. Collect rents, pay all costs of management (taxes, mortgage), repairs. Receiver may, with approval of court, borrow money. Receiver may sell the property	Manage property, collect rents; negotiate contracts; pay property taxes. Receiver may, as a court allows, enter into financing agreements
<b>Receivership Financing</b>	Lien, rents	Rents, property income, liens
<b>Receivership Compensation</b>	Determined by the court	Receiver may charge fee at an hourly rate, or a rate of 20% of the total cost of the abatement
<b>Receivership Discharge</b>	Court discharges when appropriate	Court terminates if: abatement completed, or abatement not feasible

*Source:* Author's state survey. See volume II of this study for full details.

## Resource Guide.H—Analysis of Contemporary National-State Model Building Code Regulation of Rehabilitation

	<b>N.J. REHABILITATION SUBCODE</b>	<b>NARRP 1997</b>	<b>IBC Ch. 34 2003</b>	<b>IEBC 2003</b>	<b>NFPA 5000 Ch. 15 2000</b>	<b>Cost Impacts</b>
<b>Applicability</b>	All work in existing buildings.	All work in existing buildings.	All work in existing buildings, unless IEBC is adopted	All work in existing buildings, if adopted.	All work in existing buildings.	
<b>Format</b>	The bulk of the subcode addresses reconstruction & is organized by occupancy classification.	Chapters organized by rehabilitation category of work.	Small chapter organized into sections.	Chapters organized by rehabilitation category of work.	Sections organized by rehabilitation category of work.	Some argue NJ format more user-friendly.
<b>Regulations governing alterations</b>	Alterations divided into 3 categories, as a function of the extent and nature of the work: -- Renovation -- Alteration -- Reconstruction Requirements increase respectively. At lower end, existing conditions that violate the building code may be continued, but not made worse. Reconstruction triggers specified life safety improvements within the work area, and when the work area exceeds specified percentages, the life safety improvements extend beyond the work area to other parts of the building.	Alterations divided into 3 categories, as a function of the extent and nature of the work: -- Renovation -- Alteration -- Reconstruction Requirements increase respectively. At lower end, existing conditions that violate the building code may be continued, but not made worse. Reconstruction triggers specified life safety improvements within the work area, and when the work area exceeds specified percentages, the life safety improvements extend beyond the work area to other parts of the building.	Alterations must conform to new construction requirements and not cause building to be in violation of code. Parts of buildings not affected by alteration not required to comply, except “Substantial improvements” to buildings in flood plain trigger full compliance of building with flood design requirements for new construction. Nonstructural alterations may be made using same materials if no adverse effect on structural member or fire-resistance.	Alterations divided into 3 categories, as a function of the extent and nature of the work (similar, but not identical to NARRP): -- Alterations Level 1 -- Alterations Level 2 -- Alterations Level 3 Requirements increase respectively. Levels 2 and 3 trigger specified life safety improvements within the work area, and when the work area exceeds specified percentages, the life safety improvements extend beyond the work area to other parts of the building. “Substantial improvements” to buildings in flood plain trigger full compliance of building with flood design requirements for new construction. Extensive structural upgrades triggered by structural damage.	Alterations divided into 3 categories, as a function of the extent and nature of the work: -- Renovation -- Modification -- Reconstruction Requirements increase respectively. At lower end, existing conditions that violate the building code may be continued, but not made worse. Reconstruction triggers specified life safety improvements within the work area, and when the work area exceeds specified percentages, the life safety improvements extend beyond the work area to other parts of the building. Structural provisions “reserved” for the most part. “Substantial improvements” to buildings in flood plain trigger full compliance of building with flood design requirements for new construction (Ch. 39).	IBC not predictable; other four are. All but NJ and NARRP apply FEMA’s “substantial improvement” trigger, and will have significant cost impact in the flood plane. IEBC has extensive cost impact from its structural damage repair requirements. Some argue the order of growing cost impact: NJ NARRP NFPA 5000 IEBC.

## Resource Guide.H—Analysis of Contemporary National-State Model Building Code Regulation of Rehabilitation

	N.J. REHABILITATION SUBCODE	NARRP 1997	IBC Ch. 34 2003	IEBC 2003	NFPA 5000 Ch. 15 2000	Cost Impacts
<b>Regulations governing additions</b>	Additions must conform to new construction requirements and not create or extend a nonconformity. Existing building plus addition to comply with height and area requirements, with up to an additional 25% for 1- and 2-story buildings.	Additions must conform to new construction requirements and not create or extend a nonconformity. Existing building plus addition to comply with height and area requirements, with up to an additional 25% for 1- and 2-story buildings.	Additions must conform to new construction requirements and not cause building to be in violation of code. Existing building plus addition to comply with height and area requirements.	Additions must conform to new construction requirements and not create or extend a nonconformity. Existing building plus addition to comply with height and area requirements.	Additions must conform to new construction requirements and not create or extend a nonconformity. Existing building plus addition to comply with height and area requirements.	All are essentially the same, except that NJ and NARRP allow up to a 25% increase in allowable area for 1- and 2- story buildings.
<b>Regulations governing change of use</b>	Use groups categorized into 6 hazard category tables. Compliance with selective requirements based on specific increases in hazards. Minimal requirements when hazards equal or reduced in all categories. New construction structural live load must be met when moving to a higher hazard category.	Use groups categorized into 4 hazard category tables (including seismic). Compliance with selective new construction requirements based on specific increases in hazards. Minimal requirements when hazards equal or reduced in all categories. New construction structural requirements (wind and snow) must be met when moving to a higher importance factor.	Buildings must comply with all the new construction requirements for the new occupancy. Building may accept less provided the new use is less hazardous “based on life and fire risk.”	Use groups categorized into 3 hazard category tables (not including seismic). Compliance with selective new construction requirements based on specific increases in hazards. Minimal requirements when hazards equal or reduced in all categories. New construction structural requirements (wind and snow) must be met when moving to a higher importance factor (except when the change is to less than 10% of building area. Seismic requirements similar to NARRP with a few more exceptions.	Use groups categorized into 3 hazard category tables (not including seismic). Compliance with selective new construction requirements based on specific increases in hazards. Minimal requirements when hazards equal or reduced in all categories. New construction structural requirements (wind and snow) must be met when moving to a higher occupancy category. Seismic requirements similar to NARRP.	IBC not predictable. The rest are essentially the same.
<b>Compliance alternatives</b>	Owners may request a variation when compliance would result in practical difficulties.	Equivalent alternatives may be authorized by building official. Other alternatives may be accepted if compliance is infeasible.	Section 3410 provides a safety scoring system for 18 parameters.	Equivalent alternatives may be authorized by building official. Ch. 12 reproduces Section 3410 of the IBC.	Equivalent alternatives may be authorized by building official. Other alternatives may be accepted if compliance is infeasible or would impose undue hardship.	NJ, NARRP & NFPA allow for “infeasibility” alternatives.

## Resource Guide.H—Analysis of Contemporary National-State Model Building Code Regulation of Rehabilitation

	<b>N.J. REHABILITATION SUBCODE</b>	<b>NARRP 1997</b>	<b>IBC Ch. 34 2003</b>	<b>IEBC 2003</b>	<b>NFPA 5000 Ch. 15 2000</b>	<b>Cost Impacts</b>
<b>Regulations governing repairs</b>	Repairs may be made using like materials, except for a limited number of plumbing and electrical repairs, and replacement glass must comply with safety glazing requirements.	Repairs may be made using like materials, except for a limited number of plumbing and electrical repairs, and replacement glass must comply with safety glazing requirements.	No specific regulation, except that replacement glass must comply with all new construction requirements.	Repairs may be made using like materials, except for a limited number of plumbing and electrical repairs, and replacement glass must comply with safety glazing requirements. New construction structural requirements are triggered as a function of the extent of repair of structural damage.	Repairs may be made using like materials, except for a limited number of plumbing and electrical repairs, and replacement glass must comply with safety glazing requirements.	IEBC may have significant cost impact for repair of structural damage. Others are essentially the same.
<b>Regulations governing historic buildings</b>	Special variations may be granted to historic buildings when compliance will damage historic fabric.	Alterations and change of use may comply with reduced requirements based on filing a report demonstrating that compliance will damage historic fabric.	Alteration and change of use regulations do not apply if building official judges them “to not constitute a distinct life safety hazard.”	Alterations and change of use may comply with reduced requirements based on filing a report demonstrating that compliance will damage historic fabric.	Alterations and change of use may comply with reduced requirements based on filing a report demonstrating that compliance will damage historic fabric.	All are essentially the same technically, but may vary in terms of administrative requirements for submissions.
<b>Retroactive regulations governing all existing buildings</b>	Not in scope of the New Jersey Rehabilitation Subcode, but recognizes currently existing fire code, housing code, and other retroactive regulations.	Not in scope of the NARRP, but recognizes currently existing retroactive regulations.	Compliance with Property Maintenance and Fire Codes.	Compliance with Property Maintenance and Fire Codes.	Section on retroactivity in Ch. 1 is “reserved”. Use of Ch. 15 requires building to be legally existing.	All are essentially the same. None of them are retroactive, but they recognized locally adopted retroactive requirements.

Source: Listokin and Hattis (2005), 52-53.

Note:

NARRP = National Applicable Recommended Rehabilitation Provisions

IBC = International Building Code

IEBC = International Existing Building Code (from IBC)

NFPA = National Fire Protection Association

## Resource Guide.I—Construction Practices and Technologies for Rehabilitation

Considerations	Current Requirements: Health and Safety code Considerations	Widely Available Contemporary Response	Future Incremental Change	Future More Extensive Change: LEED/Environmental Code Upgrading
<i>SITE</i>				
Site Selection and Disturbances	<p>Site selection for rehab is influenced by many factors, including property cost, neighborhood ambience, and strategic concerns (e.g., concentrate the rehab so as to achieve critical mass).</p> <p>The rehab may also affect the site. Construction may result in soil erosions which clog the storm drains, increased air pollution particles from machinery, and soil contamination from the use of hazardous materials.</p> <p>Most rehab projects will not meet the 1 acre of graded land qualification (put in place to monitor storm runoff)— so, permits and special precautions are not usually required unless the rehab creates a significant amount of dust.</p>	For soils erosion control, the best plan during rehab is to preserve existing landscaping as much as possible.	<p>When construction disturbs the natural ground cover, an option is to minimize erosion with erosion control ground matting.</p> <p>For the retention of soils during construction there is a product called BioFence. It is a staked in place bio-degradable material that keeps soils from running off into the storm systems.</p>	<p>For LEED/environmental consider actions:</p> <ol style="list-style-type: none"> <li>1. focus rehab in developed areas and reuse brownfield sites,</li> <li>2. rehabilitate sites that have access to mass transit and/or provide bike accessibility, and</li> <li>3. reduce the building and parking footprints in order to have increased open space/permeable surfaces.</li> </ol> <p>These considerations correlate to LEED v.2.1 Sustainable Site Credits 1-5.</p>



## Resource Guide.I—Construction Practices and Technologies for Rehabilitation

Considerations	Current Requirements: Health and Safety Code Considerations	Widely Available Contemporary Response	Future Incremental Change	Future More Extensive Change: LEED/Environmental Code Upgrading
Drainage	The intent is to keep moisture from changing the integrity of a structure's foundations. This can be done through site contours, sump pumps, water/vapor barriers, or any other approved method.	If the site has standing water, the easiest solution is to dig a retaining pond and grade away from the house. The collected water can be used in xeriscaping. Xeriscaping is landscaping with local vegetation in order to reduce maintenance and water usage.	Provide and maintain roof gutters and leaders. . . [or] provide trench or soil strip drains.  To collect and use rainwater through the installation of a gutter system would also qualify for LEED credits. Consider the garden watersaver, which fits onto the end of a downspout and redirects the rainfall to a barrel without splashing the foundation. It has a filter option for cleaner, recycled water. <a href="http://www.gardenwatersaver.com">www.gardenwatersaver.com</a>  A more invasive/costly repair is to install a sump pump or interior foundation drain.	Using permeable pavement/driving surfaces can reduce or eliminate storm water runoff, halt erosion, reduce heat islands, and retain water for xeriscaping. Permeable pavement products come in a variety of styles. Permeable asphalts are equal to typical asphalt in construction and installation (it uses the same products except at a larger grain and can be mixed and transported in the same types of machines). There are various pavers that provide an attractive and clearly delineated drive. There is also a type of plastic grid that protects grass root systems, providing a drive that looks like a field of grass.  This would fulfill LEED v.2-1 Sustainable Sites Credits 6, 7, and 9.
<b>FOUNDATIONS</b>				
Repair	The intent is to maintain the structural integrity of the foundations. The integrity can be compromised through seismic shifts, water infiltration, soil pressures, and decay.  Any repair/rehab methods that meet the minimum requirements for the structure at the time of the building's construction is viable, as long as there has not been a change of use that has a higher structural load requirement. The structure must be able to support the new use.	The first stage of problems is sagging, leaning, and unevenness of the foundation. For floors that need shoring up here are some solutions: Stabilize and underpin settled foundation with reinforced concrete piers, steel mini-piers, helical piers, pressure grouting, compaction grouting, or an enlarged footing.	More serious problems are indicated by cracking foundation walls. Cracks in walls are more costly to repair. Solutions for cracked walls include: exterior jacking, "earth anchor," helical screw anchor, conventional grouting, epoxy injections, and urethane injections.  For more cosmetic repairs (cracks less than 1/4 inch wide) use: cementitious,	GreenBuilding approved foundation repair products: Emaco T415 and T430—concrete repair mortars with high fly ash content, known for its low maintenance and durability.  AquaFin-IC Crystalline Waterproofing—"a penetrating, inorganic, cementitious material used to permanently waterproof and protect new or existing structurally sound concrete and concrete masonry by reacting with moisture and free lime in the concrete. AquaFin-IC resists strong hydrostatic pressure and can be used in both interior and exterior below-grade

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Considerations	Current Requirements: Health and Safety Code Considerations	Widely Available Contemporary Response	Future Incremental Change	Future More Extensive Change: LEED/Environmental Code Upgrading
Repair (continued)			elastomeric, a vinyl concrete patching material or paint coatings.	applications. It is 'breathable,' nontoxic, releases no VOCs, and is suitable for potable water storage applications." <a href="http://www.aquafin.net">www.aquafin.net</a>  Xypex Concentrate - similar to Aquafin-IC. <a href="http://www.xypex.com">www.xypex.com</a>
<b>BUILDING ENVELOPE</b>				
Siding	<p>All exterior wall systems are to be weatherproof, resist wind loads, and have the appropriate fire safety rating.</p> <p>R-1 shall have an exterior wall fire rating of 1 hour when the distance to another wall is between 5-10 feet and 2 hours when the distance is between 0-5 feet. R-2, R-3, and R-4 do not have a minimum exterior fire rating.</p> <p>Historic renovations are not required to meet fire-restrictive exterior wall construction. (NJ Rehab Subcode, p.162)</p>	<p>In some cases, all that is required is caulking between siding joints. Some types of caulk are: Elastomeric, Organic-based, and Silicone-compound weather proofing sealants. Other solutions would be to fasten down existing siding, replace a few pieces, and paint the exterior.</p>	<p>Another scenario is the replacement of exterior siding. There are several options that can be considered based on cost, ease of installation, durability, and climate: Cementitious siding, vinyl siding, wood siding, shingle siding, metal siding, stucco and masonry.</p>	<p>More environmentally friendly products:</p> <p>To reuse current wood siding there is Bioshield Exterior Stains which are made with low VOCs.</p> <p>Composition siding/FSC-Certified TruWood Siding; which reuses wood waste, quickly renewable wood, and binding agents to provide resource efficient siding; however, it is not known for durability.</p>
Roofing	<p>All exterior roofing systems are to be weatherproof, resist wind loads, and have the appropriate fire safety rating.</p> <p>If the building is historic, you can repair with existing roofing materials regardless of fire safety ratings.</p> <p>For non-historic rehab, the original roofing materials must be completely removed before a new roof is installed, especially if the existing structure is to be used for the new roof or the old materials have absorbed moisture.</p>	<p>Do repair work on the existing roof.</p> <p>If only a certain section needs to be replaced, consider a new material if the original is obsolete or too expensive.</p>	<p>Replacement of the entire roof.</p> <p>Roofing materials (common): Asphalt shingles, wood shingles, slate, clay tile, and metal.</p> <p>"Asphalt shingles present a major disposal problem. . . . [Due to low durability,] [a]sphalt shingles represent a large portion of the waste generated from steep-slope reroofing. Avoiding asphalt</p>	<p>Greener Roofs:</p> <p>A possible solution is the use of recycled tire/rubber roofs that have the appearance of slate, wood shake, or terra cotta tile. They come in a variety of colors and with a 50-year warranty in most cases.</p> <p>Metal roofs are easily recycled. They have durability if installed correctly and are recommended for rain-catchments systems and because snow readily falls off.</p> <p>For roofs with a low-slope, a green roof is a solution that reduces heat island effects, provides a relaxation area, and beautifies</p>

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Considerations	Current Requirements: Health and Safety Code Considerations	Widely Available Contemporary Response	Future Incremental Change	Future More Extensive Change: LEED/Environmental Code Upgrading
Roofing(cont'd.)			roofing products is recommended because of poor durability and difficulty of recycling." <a href="http://www.buildinggreen.com">www.buildinggreen.com</a>	the site.
Insulation	The interior environment system must be capable of maintaining a 68 degree F. temperature 3 ft. above the floor on the coldest heating degree day for the area. This can be done with a combination of home insulation and heating units. Generally, the higher the level of insulation, the smaller the equipment needed to maintain heating temperatures, and the less energy used.	The first step is to weatherproof the building. This includes adding weather-stripping, sealing exteriors, and installing storm windows and doors.  Make sure that the exterior walls and roof/attic are adequately insulated. Insulation can settle after a time or become useless if moisture penetrates. Fiberglass, cellulose, or mineral wool loose fill is the easiest to install for a self-contractor. Rock wool or fiberglass blankets for attic insulation is a good option if these materials completely abut the rafters, exterior wall, or joists.	A good solution for older homes is expanded foam insulation. It must be installed by a licensed contractor, but, does a very good job of filling every crack.  For reconstruction that includes new exterior walls, consider Structurally Insulated Panels (SIPs). They are prefabricated wall panels that are built with electrical conduit slots, Expanded Polystyrene or Polyurethane insulation, have a high R-value, and are easy to erect and attach to exterior siding and interior gypsum. Openings can be easily cut out or pre-cut at the manufacturing facility.	Biobased Foam is a soy-based foam insulation. It emits no VOCs and is made from renewable resources. It must be installed by a qualified contractor and can only be purchased through the manufacturer's representatives.
Windows	The engineering concern about windows is focused on emergency and fire situations:  R-1: "No openings permitted with a fire separation distance of 3 feet or less. Protected openings required with a fire separation distance of 10 feet or less." For R-2, R-3, R-4: "Newly created openings . . . With a fire separation distance of 3 feet or less shall be provided with opening	Examine each window individually. Determine which ones need extensive work or just need paint. A solution is to permanently close some windows by screwing them closed and sealing the outside; this leaves fewer windows to repair and leave operable. Remember: having operable windows allows	The cheapest solutions would be to keep the existing windows and replace the glass, add a heat control film, and/or add a window shade/quilt. These solutions are a little harder than a storm window to install.  For replacing windows there are several options: double-	There are more efficient versions of windows: High-Performance Non-PVC Thermoplastic Windows are made without chlorine, conduct less heat/cold, hold color longer, and have longer durability.  Inline Fiberglass, Thermotech, Comfort Line, and Accurate Dorwin's pultruded fiberglass windows has excellent test scores.

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Windows (continued)	<p>protectives." (NJ Rehab Subcode, p.147)</p> <p>"Replacement glass shall comply with the Safety Glazing requirements of the building subcode and shall be installed in the "Specific Hazardous Locations" as specified by Section 2405.2 of the building subcode." (NJ Rehab Subcode, p.12)</p> <p>Windows may be replaced with windows like those existing without meeting the size requirements of the building subcode. In sleeping rooms below the fourth story in occupancies of Use Groups R or I-1, where the size of window openings is being changed, at least one window shall: Be operable; Have a sill height of not more than 44 inches; . . . [and be at least 20 x 24 and 5.7 sq. ft.]. New window openings in sleeping rooms shall not be required to meet these requirements . . . [where] provided with a door to a corridor having access to two remote exits or in buildings . . . with an automatic fire suppression system. Basement windows in buildings of Use Group R-2 shall comply with the requirements of Section 6.26(a)3 of this subcode where the window serves as the second means of egress from the dwelling unit. (NJ Rehab Subcode, p.15)</p>	<p>natural cooling and ventilation options.</p> <p>An easy way to improve window efficiency is to install storm windows.</p>	<p>paned glass, low-emissivity glass, wood frame, aluminum frame, and fiberglass frame.</p>	<p>High-Performance Wood windows.</p> <p>Consider that the main energy inefficiencies of windows are caused by the conductivity of the frame and the glass. Windows that are double-paned have a thermal break. Window frames have different forms of thermal barriers.</p>
<b>ELECTRICAL</b>				
Wiring	<p>You shall not use "Unlisted or unapproved electrical products. As stated in the National Electrical Code (section 90-7, 110-2, 110-3, and</p>	<p>The easiest way to install new/upgraded wiring within the existing cavity spaces are from the</p>		<p>No specifically environmentally friendly products found.</p>

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Wiring (continued)	<p>100), only electrical products listed, labeled, approved, and identified are acceptable." (NJ Rehab Subcode, p.12)</p> <p>"Existing electrical wiring and equipment undergoing repair or replacement shall be allowed to be replaced with like material except for the following: Replacement of electrical receptacles shall comply with the requirements contained in Section 210-7(d) of the electrical subcode; Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240-51(b) of the electrical subcode; For replacement of nongrounding-type receptacles with grounding-type receptacles . . . ;</p> <p>Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances, except for mobile homes and recreational vehicles . . . " (NJ Rehab Subcode, p.12)</p> <p>"1)All enclosed areas, other than kitchens, basements, garages, hallways, closets, laundry areas and bathrooms shall have a minimum of two duplex receptacle outlets. . . .</p> <p>4)At least one switch controlled lighting outlet shall be provided in every bathroom, hallway, stairway, attached garage, detached garage</p>	<p>ceiling/under floor, attic, and crawl spaces. Look for locations along plumbing lines and abandoned ductwork.</p> <p>Another option is to install wiring on the outside of existing walls in surface-mount channels, baseboard raceways, and in channels under wainscoting/ baseboards.</p> <p>There are several types of wiring available - here are a few, starting at the least expensive: Romex, BX, EMT conduit, Aluminum conduit, and Galvanized conduit. (RMS 4-119)</p>		

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Considerations	Current Requirements: Health and Safety Code Considerations	Widely Available Contemporary Response	Future Incremental Change	Future More Extensive Change: LEED/Environmental Code Upgrading
Wiring (continued)	with electric power, and to illuminate outdoor entrances and exits. . . [and] utility rooms and basements where these spaces are used for storage or contain equipment requiring service." (NJ Rehab Subcode, p.124)			
Lighting	"Guestrooms shall be provided with one switch-controlled ceiling or wall type outlet or equivalent to illuminate entrances and exits. Additionally, each guest bathroom shall be provided with at least one duplex receptacle outlet which is GFCI protected and at least one switch-controlled lighting outlet." (NJ Rehab Subcode p.124)	Incandescent: the traditional light-bulb.	There are new types of bulbs that produce better light quality than incandescents, use less energy, and are competitively priced. These include Compact Fluorescents, Mercury Vapors, and High Pressure Sodiums.	A more energy efficient solution is to buy compact fluorescent ballasts that monitor the amount of natural light that is in a room and then adjusts the output levels of the fluorescent bulb as needed. There are also adjustable light level switches that allow you to manually set the amount of light output. Sometimes the common lighting setting is too bright.  Fulfills LEED's EAC5 requirement. EAC6: Have energy supplied by a "green" power company.
Occupancy Sensors	Occupancy sensors turn lights on and off depending on whether a motion or sound can be detected. They are easy to install and can replace the typical wall switch. On most occupancy sensors, there is an option for manual operation.	Turn off appliances with the existing switch.	Home Depot has the Leviton 3-way and single switch option.	Sensor Switch, Inc., Novitas, Hubbell Building Automation, Inc. and Decora(R) Wall Switch Occupancy Sensors have large selections of occupancy sensors that can be ordered online.  Fulfills LEED's EAC5: requirement.
<b>PLUMBING AND HVAC</b>				
Boiler	"Boiler/furnace equipment rooms shall be enclosed by one hour fire-rated wall and ceiling assemblies. . . Exception: Enclosure shall not be required for boiler/furnace equipment of low pressure type (operating at pressures of 15 psig or less for steam equipment or 160 psig or less for hot water equipment) when installed in accordance with manufacturer's recommendations or for boiler/furnace equipment of residential, single-family type	The easiest solution is to keep the existing boiler, but first check filter and maintenance history.  Other low-cost solutions that save energy include: lower water heater temperature setting, insulate the water heater and distribution lines, and don't heat rarely used	Boiler equipment available today is a lot more efficient than older models. If you are getting a new heater, make sure that it is sized properly. Another solution is the use of space heaters; they are easily installed and come with safety features. Remember, a properly insulated house reduces the amount of heating necessary.	EnergyStar and GreenBuilding identify many boiler companies that have met their specifications. The most efficient solution seems to be the electric-lit and gas-fired unit.  When a housing unit is properly insulated, less heating BTUs are necessary; therefore, the system can be designed to use a smaller boiler.

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	(200,000 BTU per hour input rating or less.)" (NJ Rehab Subcode, p.115)	rooms.	Toyotomi has attractive portable heating units.	
Air Conditioning	"Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation. . . Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. . . Mechanically-ventilated spaces shall comply with the following: . . . As a minimum, mechanically-ventilated spaces shall be provided with 5 CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount." (NJ Rehab Subcode, pp.115-116)	Some things to consider before replacing the air conditioning (AC) are: weatherproofing, shading with trees or awnings, operable windows, ceiling/window fans, attic fans and actual AC needs.	A window unit is easily installed in main rooms. Window units are for limited/small applications and become more energy efficient every five years.  Toyotomi has large air conditioning units that are on rollers and can be moved from room to room.	Consider replacing central air/heating or window units with GreenBuilding and EnergyStar products. Reduction of mechanical sizing is possible with a properly insulated house.  LEED EAC4: Do not use HVAC&R systems that use CFCs, HCFCs, or Halons. EQC7: design within comfort ranges and do not exceed design requirements by choosing too-large or too-small HVAC equipment.
Piping	You shall not use "All purpose solvent cement; Clear PB (polybutylene) piping; Flexible traps and tailpieces: Sheet and tubular copper and brass trap and tailpiece fittings less than B&S (Brown & Sharpe) 17 gauge (.045 inch); and Solder having more than 0.2% lead shall not be used in the repair of potable water systems." (NJ Rehab Subcode p.12)	The common materials for piping: copper, galvanized steel, black steel, and PVC. galvanized and black steel are not recommended because each pipe must be cut and threaded and it rusts. Flexible polybutylene piping is easier to fish through wall and comes with slip-on end fittings. There are also short-run flexible copper pieces with fiberglass insulation options for use in places where	The most efficient method is to redesign the heating system piping to make the most use of temperature differences (e.g., the hottest water going to large living spaces and then moving on to smaller rooms) ... That installation reduces the needed linear feet of piping.  Potable water and sewer, this means stacking or grouping the restrooms, kitchen, and laundry room. If you are planning on	Ecoflex systems come with insulation, supply line and return line in one flexible tube; it is very easy to install, but pricier and recommended for larger projects.  Fusiotherm piping from Aquatherm Piping Systems is a non-PVC pipe that can be used for potable water and heating systems. These materials are fused together in the field and become monolithic which provides fewer places for leaks—good for behind walls.

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Piping (continued)		polybutylene is not allowed.  When repiping, remove only the bottom portions of walls or make repairs through the ceiling for the floor above. The reasons: 1.) it is cheaper and easier to repair the ceiling than the floor and 2.) the less you take out, the less you have to build back.	replacing fixtures and repairing the entire plumbing line, this approach merits consideration.	
<i>INTERIOR FINISHES</i>				
Wall Repairs	You shall not use "Wood paneling being used as an interior finish not in conformance with Table 2 of Section 6.11 of this subcode" (NJ Rehab Subcode p.11) . . . in order to reduce the likelihood of the paneling increasing damage during a fire.  "The use of vinyl or paper wall coverings not exceeding 1/28th of an inch in thickness which is applied directly to a noncombustible or fire retardant treated wood substrate shall not be regulated by this section." (NJ Rehab Subcode, p.36)	The easiest repair is to prime with a solution that kills mold and then repaint the interior.	Gypsum board carefully extracted in only certain repair areas and then replaced with more gypsum and self-adhesive fiberglass drywall tape is a readily doable installation. Wood can be used to hide the repair seams and a wainscot finish is created - (e.g., applicable for flood repairs.)	Office wall systems are an option for quick interior new wall construction such as Terrastar and Decato.  Another option is to use Structurally Insulated Panels (SIPs); they come with insulation, structural support, no VOCs, electrical line grooves, and are easy to install.  LEED considerations—MRC1: to minimize the amount of waste sent to the landfill and to reuse, as much as possible, on-site materials and building structure. EQC4: Use low VOC materials, paints, and sealants.



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Considerations	Current Requirements: Health and Safety Code Considerations	Widely Available Contemporary Response	Future Incremental Change	Future More Extensive Change: LEED/Environmental Code Upgrading
Flooring	You shall not use "Carpet used for floor covering that fails to meet the DOC FF-1 "Pill Test" (Consumer Product Safety Commission 16 CFR 1630)" (NJ Rehab Subcode, p.11-12)	<p>There are three solutions for hardwood flooring: sanding and refinishing, stripping and waxing, and cleaning and painting. The last solution is the easiest. It also provides the most flexibility in color, design, durability, and future change. (RMS 4-96)</p> <p>Carpeting is a good solution as long as it meets regulations. (RMS 4-101)</p> <p>Other options for floor covering are: solid vinyl, reinforced vinyl, sheet flooring, and tiles.</p>	A more costly solution is prefabricated wood flooring. It is attractive, requires little preparation, and is easy to install over old floors.	<p>Environmentally friendly products:</p> <p>Milliken Carpet—Reusable carpet fulfills MRC4 requirement for reusable materials and post-industrial products.</p> <p>"Hardwood flooring is healthier, more durable and requires less energy to produce than carpet." <a href="http://www.nj.gov/dca/dhcr/westsidevillage.htm">www.nj.gov/dca/dhcr/westsidevillage.htm</a></p> <p>LEED Credits: MRC6: use local resources and MRC7: use certified wood products</p>
<b>SAFETY AND PROTECTION</b>				
Lead Abatement	Houses built before the 1970s are most likely to contain lead-based paint. In 1970, lead paint was outlawed because it was causing noticeable levels of lead poisoning. The level of abatement should be discussed with a safety inspector. The most common area for the accumulation and inhalation of lead paint dust is around painted windows.	Home Depot provides a lead-abatement mask, then, use conventional paint strippers.	The easiest solution for lead abatement is to do a paint-over. There are several brands that are available.	A more thorough solution is to remove the lead paint with environmentally friendly products such as: Peel Away 6, Peel Away 7(p.7), Piranah I Paint Stripper, LeadLock™, and Safe Encasement Systems.

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Asbestos Abatement	It must be removed, but those who lack the requisite resources for asbestos removal should consult the health office for solutions.	Asbestos not touched or exposed to circulation does not have to put it into compliance. But, this approach must be approved by a health official.	A-B-C(R) (Asbestos Binding Compound), Safe Encasement Systems , and AsbestoSafe®.	Removal by a licensed contractor.
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*Source:* Author's research.

*Notes:*

*Widely Available Contemporary Response* suggests the least expensive and most minimal steps that can be taken to meet the required EPA and Rehabilitation Codes (e.g., New Jersey's Rehab Subcode), including methods that emphasize property owner "self help" labor instead of costly contractor installations.

*Future Incremental Response* suggests replacement products when repairs are not possible. Typically, these are more expensive versions of the "contemporary response" (see above) that include considerations for ease of installation, reduction of energy consumption, and decreased maintenance costs.

*Future More Extensive Change* are technologies that are most encouraged by the EPA and LEED (Leadership in Energy and Environmental Design) certification programs; the goal is to have the healthiest, most energy efficient, most environmentally friendly rehab.

# **Literature Guide**



## A. BIBLIOGRAPHIC LISTING

Abramowitz, Michael. 1993. Access rules relaxed. *Washington Post*, July 22.

Abravanel, Martin, and Jennifer Johnson. 1999. *The low-income housing tax credit program: A national survey of property owners*. A study prepared by the Urban Institute for the U.S. Department of Housing and Urban Development. October.

Abt Associates. 1996. *Development and analysis of the National Low-Income Housing Tax Credit Database*. A study prepared for the U.S. Department of Housing and Urban Development. July.

———. 2000. *Updating the Low-Income Housing Tax Credit (LIHTC) Database*. A study prepared for U.S. Department of Housing and Urban Development. November.

Advisory Commission on Regulatory Barriers to Affordable Housing. 1991a. *Not in my backyard: removing barriers to affordable housing*. Washington, DC: U.S. Government Printing Office.

———. 1991b. *Removing barriers to affordable housing: How states and localities are moving ahead*. Washington, DC: U.S. Government Printing Office.

Alexander, Frank S. 2000a. *Renewing Public Assets for Community Development*. Local Initiatives Support Corporation, New York, NY.<[http://www.liscnet.org/resources/assets/asset\\_upload\\_file444\\_555.pdf](http://www.liscnet.org/resources/assets/asset_upload_file444_555.pdf)>

———. 2000b. *Tax Liens, Tax Sales and Due Process*. Indiana Law Journal, Vol. 75, No.3. Indianapolis, Indiana: Indiana Law Journal.

Alliance to End Childhood Lead Poisoning and National Center for Lead-Safe Housing with contributing authors Guthrie, A. & McLaine, P. 1999. *Another Link in the Chain: State Policies and Practices for Case Management and Environmental Investigation for Lead-Poisoned Children*.

Allred, Christopher J. 2000. *Breaking the Cycle of Abandonment: Using a Tax Enforcement Tool to Return Distressed Properties to Sound Private Ownership*. Better Government Competition No. 10. Boston, MA: Pioneer Institute for Public Policy Research.

Alpert, Norman. 1973. Property tax abatement: An incentive for low income housing. *Harvard Journal of Legislation* 2, 1: 1.

- Anderson, J.L. 1993. Lead liability insurance for the private owners of low to moderate income rental housing: is adequate, affordable coverage available? *Lead Liability Litigation*, 619-646.
- \_\_\_\_\_. 1994. Lead-based paint hazards in housing: what nonprofits need to know. *Cost Cuts*, 4-5.
- \_\_\_\_\_. 1994. Lead liability insurance for low-income rental property owners: new developments which could influence the availability of adequate, affordable coverage. *Lead Tech '94 Conference Proceedings*, 287-293.
- \_\_\_\_\_. 1994. Legal liability, loss, risk management and insurance considerations for lead hazard control professionals. *Lead-Based Paint Hazards: Assessment and Management*, 209-219.
- \_\_\_\_\_. 1995. NYC Council advised to use HUD task force liability ideas for insurance issues. *Lead Detection & Abatement Contractor*, 2 (5), 3, 22.
- \_\_\_\_\_. 1995. One day contractors will be able to obtain adequate liability coverage. *Lead Detection & Abatement Contractor*, 2 (6), 19-20.
- \_\_\_\_\_. 1995. Practical strategies for developing a lead-based paint hazard control policy. *Conference Proceedings – Conference on Brownfields Redevelopment and Environmental Risk Management in Business and Real Estate Transactions*.
- \_\_\_\_\_. 1995. Will lead hazard evaluation and control professionals be able to obtain adequate, affordable lead liability coverage? *Lead Tech '95 Conference Proceedings*, 331-333.
- \_\_\_\_\_. 1996. Lead liability. *Journal of Property Management*, 61 (5), 76-77.
- \_\_\_\_\_. 1996. Lead liability insurance: should you require this special coverage? *Cost Cuts*, 13 (3), 6-7.
- \_\_\_\_\_. 1996. Lead liability insurance: should you require this special coverage? *Lead Tech '96 Conference Proceedings*.
- \_\_\_\_\_. 1997. An evaluation of Maryland's new lead poisoning prevention law. *Lead Perspectives*, 2 (1), 30-32.

- \_\_\_\_\_. 1997. How ASTM's new standard provisional guide addresses the insurability of lead-based paint hazards in private housing. *Lead Liability Litigation: Legal and Business Issues*.
- \_\_\_\_\_. 1997. Lead-based paint hazard insurability addressed. *The National Underwriter*, 8 (101), 45-56.
- \_\_\_\_\_. 1997. Lead liability insurance for habitational properties: so what's the big deal, anyway?! *Lead Tech '97 Conference Proceedings*.
- \_\_\_\_\_. 1997. Lead liability insurance: going, going, gone? *Today's Realtor*, 30, 7, 32.
- \_\_\_\_\_. 1997. Major issues affecting the availability and affordability of lead coverage for private property owners and managers. *The Examiner*, 21 (4), 22-26.
- \_\_\_\_\_. 1997. The realities (and myths) of lead liability insurance: lead safety could be key to coverage. *Lead Detection & Abatement Contractor*, 4 (11), 20-21.
- \_\_\_\_\_. 1998. Liability insurance promotes lead-safe housing: fact or fiction? *Lead Tech '98 Conference Proceedings*.
- Anderson, J.L., Kershner, L.A. 1995. Maryland House Bill 760 – The lead poisoning prevention program: how new state legislation addresses the insurability of lead-based paint hazards in private rental housing. *The CPCU Journal*, 48 (1), 50-57.
- Anonymous. 1989. A showcase for historic preservation and low-income housing. *Urban Land* (July): 4-25.
- Barr, Alison. 1998. *Under one roof: Combining affordable housing and historic preservation*. A joint policy research project prepared by Preservation Action, the Boasberg Historic Preservation Fund, and the Center for Preservation Initiatives. Washington, DC: National Conference of State Historic Preservation Officers.
- Beaumont, Constance E. 1996a. *Smart states, better communities*. Washington, DC: National Trust for Historic Preservation Press.
- \_\_\_\_\_. 1996b. Wisconsin changes its housing rules to favor rehabilitations. *Historic Preservation News* (May/June): 34.
- Beaumont, Constance E. and Elizabeth G. Pianca, Revised by Sydney A. Becker and Harry K. Schwartz. 2003. *State Tax Incentives for Historic Preservation*. Washington, DC: National Trust for Historic Preservation.

- Bergman, B.J. 1981 "Compensating the Receiver in Foreclosure Actions." *New York State Bar Journal*, June: 276.
- Black, Karen L. 2003. *Reclaiming Abandoned Pennsylvania*. Pennsylvania Low Income Housing Coalition Report. Glenside, PA.
- Blackwell, Keri. 1999a. *Cleveland Case Study & Summary*. New York, NY: Local Initiatives Support Corporation.
- \_\_\_\_\_. 1999b. *Indianapolis Case Study & Summary*. New York, NY: Local Initiatives Support Corporation.
- Brophy, Paul C., and Jennifer S. Vey. 2002. *Seizing City Assets: Ten Steps to Urban Land Reform*. Washington, DC: The Brookings Institution Center on Urban & Metropolitan Policy.
- Building Technology, Inc. 1981. *Building regulations and existing buildings: Improved techniques for regulation of existing buildings*. Report prepared for the U.S. Department of Housing and Urban Development. Silver Spring, MD: Building Technology, Inc.
- \_\_\_\_\_. 2001. *Smart Codes in Your Community: A Guide to Building Rehabilitation Codes*. Report prepared for the Department of Housing and Urban Development Office of Policy Development and Research. Silver Spring, MD: Building Technology, Inc.
- Bunnell, Gene. 1978. *Final report—Removing obstacles to building reuse and community conservation at the local level*. Washington, DC: U.S. Department of Housing and Urban Development.
- Burby, Raymond J., David Salvesen, and Mike Creed. 2003. *Beating the Building Code Burden with Smart Codes*. Power Point Presentation.
- Burchell, Robert W., and David Listokin. 1981. *The adaptive reuse handbook: Procedures to inventory, control, manage, and reemploy surplus municipal properties*. New Brunswick, NJ: Center for Urban Policy Research, Rutgers, The State University of New Jersey.
- Center for Community Development and Preservation. 1979. *Building a foundation for urban revitalization: Tools and techniques for the moderate rehabilitation of multifamily housing*. White Plains, NY: Center for Community Development and Preservation.



- \_\_\_\_\_. 1982. *Innovations in housing renovation: Techniques for financing multifamily housing rehabilitation*. Tarrytown, NY: Center for Community Development and Preservation.
- Clark, S., Chen, M., McLaine, P., Galke, W., Menrath, W., Buncher, R., Succop, P., & Dixon, S. 2002. "Prevalence and location of teeth marks observed on painted surfaces in an evaluation of the HUD lead hazard control grant program." *Journal of Applied and Occupational Hygiene*, 17 (9), 628-633.
- Cohen, James R. 2001. *Abandoned Housing: Exploring Lessons from Baltimore*. Housing Policy Debate, Volume 12, Issue 3. Washington D.C.: Fannie Mae Foundation.
- Costello, Dan. 1996. Transportation enhancements: Historic preservation and community revitalization. *Historic Preservation Forum* 11,1: 33-44.
- Cummings, Jean L., and Denise DiPasquale. 1998. *Building affordable rental housing: An analysis of the low-income housing tax credit*. City Research. World Wide Web page <<http://www.cityresearch.com>>.
- \_\_\_\_\_. 1999. The low-income housing tax credit: An analysis of the first ten years. *Housing Policy Debate* 10: 251-308. Washington, DC: Fannie Mae Foundation.
- Davenport, Linda. *Vacant and Abandoned Land: A Literature Review and Suggested Topics for Further Study*. Washington, D.C.: Brookings Institution (Draft).
- Dawson, Alexander D. 1996. Transportation enhancements under ISTEA: A once-in-a-lifetime chance for planners. *Zoning and Planning Law Report* 19 (January): 1.
- Delvac, William, Susan Escherich, and Bridget Hartman. 1996. *Affordable Housing Through Historic Preservation: A Case Study to Combining the Tax Credits*. Washington, DC: U.S. Government Printing Office.
- Ding, Chengri and Gerrit-Jan Knaap. 2003. Property Values in Inner City Neighborhoods: The Effects of Homeownership, Housing Investment, and Economic Development. *Housing Policy Debate* 13 (4): 701-728.

- Dixon, S., Tohn, E., Rupp, R., Clark, S. 1999. Achieving dust lead clearance standards after lead hazard control projects: An evaluation of the HUD-recommended procedure and an abbreviated alternative. *Journal of Applied and Occupation Hygiene*, 14 (5), 339-344.
- Drayer, Robin. 1992. *Saving Housing Through Receivership: The Chicago Experience*. Shelterforce (September/October #65). Orange, NJ: National Housing Institute.
- Duda, Mark. 2001. Federally Sponsored Rehabilitation Activity. Working Paper W01-8. Joint Center for Housing Studies. Cambridge, Massachusetts: Harvard University.
- Duncan, William, ed. 1991. *Substantial Rehabilitation and New Construction*. Columbia, MD: The Enterprise Foundation, Rehab Work Group.
- Eilbott, P. and W. Kempey. 1978. New York City's tax abatement and exemption program for encouraging housing rehabilitation. *Public Policy* 26 (Fall): 571-597.
- Ernst and Young LLP. 1997. *The low-income housing tax credit: The first decade*. Ernst and Young Kenneth Leventhal Real Estate Group. Prepared for the National Council of State Housing Agencies.
- Escherich, Susan M., Stephen J. Farneth, and Bruce D. Judd. 1995. *Affordable housing through historic preservation: Tax credits and the Secretary of the Interior's Standards for Historic Rehabilitation*. Washington, DC: U.S. Department of the Interior, National Park Service Cultural Resources.
- Ferro, Maximilian L. 1993. Building codes and older structures: The Massachusetts experience. In David and Barbara Listokin, eds., *Preservation and affordable housing: Accomplishments, constraints, and opportunities*. New Brunswick, NJ: Center for Urban Policy Research, Rutgers, The State University of New Jersey. (Manuscript of papers submitted at a conference sponsored by the National Trust for Historic Preservation in Newark, New Jersey, May 1990).
- Fisher, Richard. 2001. Rehabilitation Subcode Success. *Public Management*. March 12-17.
- Forest, Ben. 1999. New Jersey Revs Up its Rehabs. *Planning*. 10-12
- Galke, W., Clark, S., Wilson, J., Succop, P., Dixon, S., Bornschein, R., McLaine, P., Chen, M., & Jacobs, D. 2001. Evaluation of the HUD lead hazard control grantee program: early overall findings. *Environmental Research*, 86 (2), 149-156.

- Gill, L.V. 1976. Nuisance Recovery as a Means to Stop Residential Housing Abandonment. *UMKC Law Review*, Vol. 45, No. 1, Fall: 99.
- Goddard, S.B. 1970. Rent Receivership: An Evaluation of its Effectiveness as a Housing Code Enforcement Tool in Connecticut Cities. *Connecticut Law Review*, Vol. 2, No. 3, Spring: 687.
- Goldberg, L.S. 1970. Receiver's Certificates—Valid First Liens for Slum Rehabilitation. *University of Illinois Law Forum*, Vol. 1970, No. 3: 379.
- Grad, Frank P. Equitable Remedies. *Legal Remedies for Housing Code Violations*, Chapter 5. Research Report, No. 14, National Commission on Urban Problems. Washington, D.C.: Government Printing Office, 1968.
- Green, Melvyn. 1988. Building codes and historic preservation: An overview. *Preservation Forum* (Spring): 11–12.
- Gribetz, J. 1964. New York City's Receivership Law Seen as Essential Code Enforcement Weapon. *Journal of Housing*, No. 6, June: 297.
- Griffith, Janice C. 1980. Revitalization of inner-city housing through property tax exemption and abatement: New York City's J-51 to the rescue. *Urban Law Annual* 18: 153–193.
- Gross, James G. 1979. *Improving building regulations for rehabilitation*. Washington, DC: National Bureau of Standards, Building Economics and Regulatory Technology Division.
- Grossman, M. 1975. New York City Housing Receivership and Community Management Program. *Fordham Urban Law Journal*, Vol. 3, No. 2, Spring: 637.
- Gustafson, Jeremy and J. Christopher Walker. 2002. *Analysis of State Qualified Allocation Plans for the Low-Income Housing Tax Credit*. Washington, DC. The Urban Institute.
- Hageman, J. A. 1979. Receivership: Let the Procurer Beware. *Washburn Law Journal*, Vol. 18, Winter: 391.
- Heinberg, John Dorsey. 1971. *Tax incentives and housing rehabilitation: A policy analysis*. Washington, DC: The Urban Institute.

- Housing and Neighborhood Development Services, Inc. 1999. *Restoring Problem Properties to the Tax Rolls: Rehabilitation & Homeownership Is the Answer to Neighborhood Stability*. HANDS, Inc., New Jersey
- Hughes, Mark Alan. 2000. *Dirt into Dollars: Converting Vacant Land Into Valuable Development*. The Brookings Review Vol. 18, No. 3. The Brookings Institution, Washington, D.C.
- Hughes, Mark Alan and Rebekah Cook-Mack. 1999. *Critical Issues Facing Philadelphia's Neighborhoods: Vacancy Reassessed*. Philadelphia, PA: Public/Private Ventures. <<http://www.ppv.org/pdf/vacancyreassessed.pdf>>
- Institute for Liberty and Community. 1978. *Obstacles to Rehabilitation of Abandoned Housing Posed by Property Title and Tax Systems*. Concord, VT: Institute for Liberty and Community, September.
- Joint Center for Housing Studies of Harvard University. 1999. *Improving America's housing: The remodeling future's program*. Cambridge, MA: Joint Center for Housing Studies of Harvard University.
- Joint Center for Housing Studies of Harvard University and National Association of Home Builders. 2000. *Remodeling Industry Information Summit—Proceedings*. Cambridge, MA: Joint Center for Housing Studies of Harvard University.
- \_\_\_\_\_. 2001. *Rehabilitation Data Needs: A Building Industry Forum*. Cambridge, MA: Joint Center for Housing Studies of Harvard University.
- Kromer, John. 2002. *Vacant-Property Policy and Practice: Baltimore and Philadelphia*. Washington D.C.: The Brookings Institution Center on Urban and Metropolitan Policy.
- Lanphear, B., Burgoon, D., Rust, S., Eberly, S., and Galke, W. 1998. Environmental exposures to lead and urban children's blood lead levels. *Environmental Research* ,76, 120-130.
- Lanphear, B., Matte, T., Rogers, J., Clickner, R., Dietz, B., Bornschein, R., Succop, P., Maffeffey, K.R., Dixon, S., Galke, W., Rabinowitz, M., Farfel, M., Rhode, C., Schwartz, J., Ashley, P. & Jacobs, D. 1998. The contribution of lead-contaminated house dust and residential soil to children's blood lead levels: A pooled analysis of 12 epidemiologic studies. *Environmental Research, Section A79* (1), 51-68.

- Lead-Based Paint Hazard Reduction and Financing Task Force. 1995. *Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing*. Washington, DC: United States Department of Housing and Urban Development.
- Levi, Julian H. 1966. Focal Leverage Points in Problems Relating to Real Property. *Columbia Law Review*, Vol. 66: 275.
- Levin, Melvin R. (ed.). 1969. *Innovations in housing rehabilitation*. Boston, MA: Institute on Innovative Technology in Housing Rehabilitation.
- Listokin, David. 1973a. *Housing rehabilitation: Restraints, prospects, policies*. Monticello, IL: Vance Bibliographies.
- \_\_\_\_\_. 1973b. *The Dynamics of Housing Rehabilitation: Macro and Micro Analyses*. New Brunswick, NJ: Center for Urban Policy Research, Rutgers, The State University of New Jersey.
- \_\_\_\_\_. 1974. Housing receivership is no panacea. *Real Estate Review* (Spring).
- \_\_\_\_\_. 1983. *Housing rehabilitation: Economic, social, and policy perspective*. New Brunswick, NJ: Center for Urban Policy Research, Rutgers, The State University of New Jersey.
- \_\_\_\_\_. 1985. *Living cities*. New York: Priority.
- Listokin, David, Allewelt, Lizabeth and James J. Nemeth. 1985. *Housing receivership and self-help neighborhood revitalization*. New Brunswick, NJ: Center for Urban Policy Research, Rutgers, The State University of New Jersey.
- Listokin, David, and Barbara Listokin, eds. 1993. *Preservation and Affordable Housing: Accomplishments, constraints, and opportunities*. New Brunswick, NJ: Center for Urban Policy Research, Rutgers, The State University of New Jersey.
- Listokin, David, Barbara Listokin, and Michael Lahr. 1998. The contributions of historic preservation to housing and economic development. *Housing Policy Debate* 9, 3: 431–478.
- Listokin, David, and David Hattis. 2005. Building Codes and Housing. *Cityscape* 8, 1: 21-67.
- Litt, J., Hynes, P., Carroll, P., Maxfield, R., McLaine, P., & Kaweck, C. 2002. Lead-safe yards: a program for improving health in urban neighborhoods. *Journal of Urban Technology*, 9 (2), 71-93.

- Mallach, Alan. 2001. *From Abandonment to Reuse: Issues and Policies in Urban Property Abandonment*. Orange, NJ: National Housing Institute.
- \_\_\_\_\_. 2001. *Doing Business with Local Government: A Handbook for Nonprofit Developers, Community Development Corporations, Community Planners, and Others: Chapter 4 - Property Acquisition and Disposition*. Trenton, NJ: Housing and Community Development Network.
- Mann, N.H. 1973. Receivership of Problem Buildings in New York City and its Potential for Decent Housing of the Poor. *Columbia Journal of Law and Social Problems*, Vol. 9, No. 3, Spring: 309.
- McClaughry, John. 1978. Recycling Declining Neighborhoods: Give the People a Chance. *The Urban Lawyer*, Vol. 10, No. 2, Spring: 318.
- McKenna, William F. 1982. *The report of the President's Commission on Housing*. Washington, DC: Government Printing Office.
- McNulty, Robert H., and Stephen A. Kliment. 1976. *Neighborhood conservation: A handbook of methods and techniques*. New York: Whitney Library of Design.
- Metz, F. Eugene. 1977. *Housing conservation technology*. Washington, DC: Center for Building Technology.
- Mueller, Lisa. 1999a. *Atlanta Case Study & Summary*. New York, NY: Local Initiatives Support Corporation.
- \_\_\_\_\_. 1999b. *New York City Case Study & Summary*. New York, NY: Local Initiatives Support Corporation.
- National Association of Home Builders (NAHB). 1995. *Innovative rehabilitation technologies: A state of the art overview*. Report prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research.
- \_\_\_\_\_. 1999. *Innovative rehabilitation provisions*. Report prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research.

National Association of Home Builders (NAHB), and Building Technology, Inc. 1995. *The status of building regulations for housing rehabilitation*. Report prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research.

\_\_\_\_\_. 1997. *Nationally applicable recommended provisions*. Report prepared by NAHB Research Center, Inc., Building Technology, Inc., Koffel Associates, Inc. and Melvyn Green and Associates, Inc. for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research.

National Association of Housing and Redevelopment Officials (NAHRO). 1987. *Building better communities through regulatory reform: A guide to regulatory change*. Washington, DC: U.S. Department of Housing and Urban Development, Office of Policy Development and Research.

National Association of Home Builders Research 1999. *Innovative Rehabilitation Provisions: A Demonstration of the National Applicable Recommended Rehabilitation Provisions*. Washington, D.C.: U.S. Department of Housing and Urban Development.

National Center for Healthy Housing and Alliance to End Childhood Lead Poisoning with contributing authors McLaine, P. & Gaitens, J. 2001. *Another Link in the Chain Update*.

National Center for Lead-Safe Housing. 1997. *Designing and Administering Lead Hazard Control Programs: Lessons Learned to Date*.

National Center for Lead-Safe Housing with contributing author McLaine, P. 1993. *Technical Assistance Bulletin 1 Lead-Based Paint Hazards and the Comprehensive Affordability Strategy (CHAS) -How to Respond to Title X: Recommendations for Addressing Lead-Based Paint Hazards in Housing to Reduce Childhood Lead Poisoning*.

National Center for Lead-Safe Housing with contributing authors Anderson, J., Santucci, R. 1993. *Technical Assistance Bulletin 2 Creating a Lead-Based Paint Hazard Control Policy: A Practical Step-by-Step Approach for Nonprofit Housing Organizations*.

National Center for Lead-Safe Housing with contributing authors Staes, C. & Rinehart, R. 1995. *Does Residential Lead-Based Paint Hazard Control Work? A Review of the Scientific Evidence*.

National Center for Lead-Safe Housing & The University of Cincinnati Department of Environmental Health. 1997. *Evaluation of the HUD Lead-Based Paint Hazard Control Grant Program Fourth Interim Report*.

- \_\_\_\_\_. 1998. *Evaluation of the HUD Lead-Based Paint Hazard Control Grant Program Fifth Interim Report*.
- National Institute of Building Sciences. 1987. *Meeting America's housing needs through rehabilitation of existing housing and vacant buildings*. Washington, DC: National Institute of Building Sciences.
- National Trust for Historic Preservation. 2003a. *Legislative Changes to Enhance the Historic Rehabilitation Tax Credits Availability for Housing and Community Revitalization*. Washington, DC: National Trust for Historic Preservation.
- \_\_\_\_\_. 2003b. *Suggested Technical Amendments to the Federal Historic Rehabilitation Tax Credit*. Washington, DC: National Trust for Historic Preservation.
- \_\_\_\_\_. 2003c. *Summary of Federal Historic Rehabilitation Tax Credits Initiatives Identified at Historic Preservation Development Council Regional Meeting*. Washington, DC: National Trust for Historic Preservation.
- Nenno, Mary K. 1990. State and local governments: New initiatives in low-income housing preservation. *Housing Policy Debate* 2, 2: 467–497.
- Noddings, Sarah E. 1974. Housing Maintenance and Rehabilitation: Legislative and Judicial Responses. *Seton Hall Law Review*, Vol. 6: 86.
- Nolon, J. 1965. Prior Lien on Rents and Profits Upheld as a Method of Financing Repairs—*In Re Department of Buildings*. *Michigan Law Review*, Vol. 63, No. 5, May: 1304.
- \_\_\_\_\_. 1967. Preference Liens for the Costs of Repairing Slum Property. *Washington University Law Quarterly*, Vol. 1967, No. 1: 141.
- \_\_\_\_\_. 1976. A Nuisance Law Approach to the Problem of Housing Abandonment. *Yale Law Journal*, Vol. 85, No. 8, June: 1130.
- \_\_\_\_\_. 1981. Housing Rehabilitation and Code Enforcement: Effective Strategies Require Integrated Efforts. *Journal of Housing*, February: 80.
- Oldham, Sally G., and H. Ward Jandl. 1982. Preservation tax incentives: New investment opportunities under the economic recovery act. *Urban Land* (March): 4–9.



- Paxton, Gregory B. 1988. The Georgia Trust building and fire code project. *Preservation Forum* 2, 1 (Spring).
- Philadelphia, City of. 2001. *Neighborhood Transformation Initiative (NTI) Five-Year Action Plan (FY 2003-2007)*. Neighborhood Transformation Initiative of the City of Philadelphia.  
<[http://www.phila.gov/mayor/jfs/mayorsnti/vacantlots/pdfs/nti\\_fiveyearplan.pdf](http://www.phila.gov/mayor/jfs/mayorsnti/vacantlots/pdfs/nti_fiveyearplan.pdf)>
- Pielert, James H. 1981. *Removing regulatory restraints to building rehabilitation: The Massachusetts experience*. Washington, DC: Center for Building Technology, National Bureau of Standards.
- Rogg, Nathaniel H. 1978a. Constraints on rehabilitation: What are they? How can they be overcome? *Journal of Housing* 35, 2 (February): 73–75.
- Rosen, A. 1968. Receivership: A Useful Tool for Helping to Meet the Housing Needs of Low Income People. *Harvard Civil Liberties Law Review*, Vol. 3, No. 2, Spring: 311.
- Rypkema, Donovan D. 2002. *Historic Preservation and Affordable Housing: The Missed Connection*. Washington, D.C.: The National Trust for Historic Preservation.
- Santucci, Robert M., Jim Thomas, Cecilia Cassidy, and Peter Werwath. 1987. *Cost cuts manual: Nailing down savings for least-cost housing*. Columbia, MD: Enterprise Foundation, Rehab Work Group.
- Schwartz, Harry. 2001. State Tax Incentives for Historic Preservation. *Forum News*. Volume VII, No. 3. January/February, p. 6.
- Services Branch. Heritage Preservation Services. 1998. *Case studies in affordable housing through historic preservation*. Washington, D.C.: U.S. Department of the Interior, National Park Service.
- Sternlieb, George. 1971. Abandonment and rehabilitation: What is to be done. In *Papers submitted to subcommittee on Housing Panels on Housing Production, Housing Demand, and Developing a Suitable Living Environment*. U.S. Congress, House of Representatives, Committee on Housing Panels, 315–371.
- Sternlieb, George, and David Listokin. 1976. Rehab versus redevelopment: Cost-benefit analyses. In *Housing in the Seventies*. Vol. 2. U.S. Department of Housing and Urban Development. Washington, DC: U.S. Government Printing Office.

- Stevens, P.L. 1974. Appointment of an Equitable Receiver in Pennsylvania: An Unusual Remedy for an Extraordinary Situation. *Dickinson Law Review*, Spring: 536.
- Suchman, Diane R. 2002. *Developing Successful Infill Housing*. Washington D.C.: ULI- the Urban Land Institute.
- Sullivan, Aleca. 1998. *Affordable housing through historic preservation—Pacific Hotel, Seattle, Washington*. Washington, D.C.: National Park Service.
- The Commonwealth of Massachusetts. 2000. *Bringing Down the Barriers: Changing Housing Supply Dynamics in Massachusetts*. Boston, Mass: Executive Office for Administration and Finance.
- Tohn, E., Dixon, S., Galke, W. & Clark, C. 2003. An evaluation of one-time professional cleaning in homes with lead-based paint hazards. *Journal of Applied and Occupational Hygiene*, 18 (2), 138-143.
- Tohn, E., Dixon, S., Rupp, R., & Clark, S. 2000. A pilot study examining changes in dust lead loading on walls and ceilings after lead hazard control interventions. *Environmental Health Perspectives*, 108 (5), 453-456.
- U.S. Department of Commerce and U.S. Department of Housing and Urban Development. 2004. *American Housing Survey for the United States in 2003*. Washington, DC: Government Printing Office.
- U.S. Department of Housing and Urban Development. 1973. *A study of the effects of real estate property tax incentive programs upon property rehabilitation and new construction*. Washington, DC: U.S. Government Printing Office.
- \_\_\_\_\_. 1976a. *Housing in the seventies*. National Housing Policy Review. Washington, DC: U.S. Department of Housing and Urban Development.
- \_\_\_\_\_. 1976b. *Housing in the seventies*. Working papers 2. National Housing Policy Review. Washington, DC: U.S. Department of Housing and Urban Development.
- \_\_\_\_\_. 1979a. *Administering a multifamily rehabilitation program: A guidebook for local government*. Washington, DC: U.S. Department of Housing and Urban Development, Office of Community Planning and Development. January.

- \_\_\_\_\_. 1979b. *Designing rehab programs: A local guidebook*. Washington, DC: U.S. Department of Housing and Urban Development.
- \_\_\_\_\_. 1983a. *Blueprint for cooperation: Working with contractors in rehabilitation programs*. Report prepared by Dialogue Systems, Inc. for the U.S. Department of Housing and Urban Development.
- \_\_\_\_\_. 1983b. *Streamlining rehabilitation programs*. Report prepared by Dialogue Systems, Inc. for the U.S. Department of Housing and Urban Development.
- \_\_\_\_\_. 1994a. *Cost-saving construction opportunities and the HOME program: Making the most of HOME funds*. Washington, DC: U.S. Department of Housing and Urban Development, Office of Affordable Housing. December.
- \_\_\_\_\_. 1995a. *Innovative rehabilitation technologies: A state of the art overview*. Report prepared by the NAHB Research Center for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research. December.
- \_\_\_\_\_. 1995b. *The status of building regulations for housing rehabilitation*. Report prepared by the NAHB Research Center and Building Technology, Inc., for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research. December.
- \_\_\_\_\_. 1997. *Nationally applicable recommended rehabilitation provisions*. Prepared by the NAHB Research Center, Inc., for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research. May.
- \_\_\_\_\_. 1998. *A national survey of rehabilitation enforcement practices*. Prepared by the Building Research Council, School of Architecture, University of Illinois at Urbana-Champaign, for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research. June.
- \_\_\_\_\_. 1999. *Innovative rehabilitation provisions*. Report prepared by NAHB Research Center, Inc. for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research.
- \_\_\_\_\_. 2004. *American Housing Survey for the United States in 2003*. Washington, DC: Government Printing Office.
- U.S. Department of Housing and Urban Development with contributing authors, Farr, N., McLaine, P., & Wilson, J. 1995. *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing*.

- U.S. Environmental Protection Agency with contributing authors Jacobs, D., Wilson, J., Tohn, E., Livingston, D., Ainslie, V., Cameron, S., Prenney, B., and Huff, C. 1995. *Lead-Based Paint Risk Assessment Model Curriculum*.
- U.S. General Accounting Office (GAO). 1990. *Low-income housing tax credit utilization and syndication*. Statement before the Subcommittee on HUD/Moderate Rehab Investigations, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, April 27 (GAO/T-RCED-90-73). Washington, DC.
- \_\_\_\_\_. 1997. *Tax credits: Opportunities to improve oversight of the low-income housing program*. GAO/GGD/RCED-97-55. Washington, DC: GAO.
- \_\_\_\_\_. 1999. *Tax credits: Reasons for cost differences in housing built by for-profit and nonprofit developers*. GAO/RCED-99-60. Washington, DC: GAO.
- U.S. National Commission on Urban Problems. 1969. *Building the American city: Report of the National Commission on Urban Problems*. Washington, D.C.: U.S. Government Printing Office.
- U.S. President's Committee on Urban Housing. 1969. *A decent home*. Washington, DC: U.S. Government Printing Office.
- Vermont project to mix historic preservation with affordable housing. 1990. *Community Development Digest* 7 (August).
- Wallace, James E. 1995. Financing affordable housing in the United States. *Housing Policy Debate* 6: 785–814.
- Weitz, Stevenson. 1982. *Affordable housing: How local regulatory improvements can help*. Washington, DC: U.S. Department of Housing and Urban Development, Office of Policy Development and Research.

## B. ANNOTATED BIBLIOGRAPHY

Abramowitz, Michael. 1993. Access rules relaxed. *Washington Post*, July 22.

The article reports the development of a new building code in Prince George County, Virginia. The new code represents a compromise between developers and representatives of the physically challenged, who fought for years over requirements concerning accessibility by the physically challenged. The previous code was much more stringent than national standards, requiring *all* units to be accessible to the physically challenged, as opposed to only first-floor apartments. The previous code was largely unenforced by building inspectors, who viewed the requirement as unreasonable; the physically challenged community criticized the lax attitude exhibited by inspectors. The new code sets up a sliding-scale system in which standards are more stringent for larger developments. The new solution is regarded as an improvement by both developers and representatives of the physically challenged.

Advisory Commission on Regulatory Barriers to Affordable Housing. 1991a. *Not in my back yard: Removing barriers to affordable housing*. Washington, DC: U.S. Government Printing Office.

The report examines regulatory restrictions on urban rehabilitation and infill. Problems experienced in the rehabilitation of existing properties include delays in acquisition, historic preservation issues, and difficulties presented by codes. The report discusses the challenges in removing the barriers, including the “not in my backyard” attitude.

Advisory Commission on Regulatory Barriers to Affordable Housing. 1991b. *Removing barriers to affordable housing: How states and localities are moving ahead*. Washington, DC: U.S. Government Printing Office.

The report profiles the progress of different states in reducing barriers to affordable housing. Virginia is commended for its uniform statewide building code and for the establishment of the Virginia Building Code Academy in 1989—the first such school for building officials. The State of Washington is noted for a research project focusing on building code impediments to affordable housing.

Alexander, Frank S. 2000a. *Renewing Public Assets for Community Development*. Local Initiatives Support Corporation (LISC), New York, NY <[http://www.liscnet.org/resources/assets/asset\\_upload\\_file444\\_555.pdf](http://www.liscnet.org/resources/assets/asset_upload_file444_555.pdf)>

This report offers detailed information on property acquisition and tax foreclosure procedures. Property tax liens are key public assets for local governments seeking tax revenues and opportunities for organizations or entities to reinvest in declining neighborhoods. For example, local government can use tax liens to transfer ownership to those willing to turn around a distressed

or abandoned property and put it back on the tax rolls. There are many obstacles to property tax foreclosures, which ultimately contribute to the decline of neighborhoods. Barriers to development include: lack of knowledge of who owns properties; restrictions on acquisition funding for later transfers or reuse; different state and local legal procedures; and, restrictive laws. Alexander's article recommends increasing access to these public assets by creating task forces, effective tax foreclosure procedures and better understanding of the process in general.

Alexander, Frank S. 2000b. *Tax Liens, Tax Sales and Due Process*. Indiana Law Journal, Vol. 75, No.3. Indianapolis, Indiana: Indiana Law Journal.

This article discusses the importance of property tax collection in America and ways in which due process standards hinder the process. The author mentions that there is little consensus or unanimity to laws governing property tax liens among different states, cities or counties. Due process laws are necessary to ensure that private property owner's rights are protected; however, they create lengthy obstacles and timeframes that encourage tax delinquency and property abandonment. For example, providing notice of tax collection at multiple points in the process to all involved parties associated with the property creates confusion and delay in tax enforcement procedures. This article suggests a better approach that relies on a single, short enforcement proceeding that informs all parties of impending tax collection procedures.

Allred, Christopher J. 2000. *Breaking the Cycle of Abandonment: Using a Tax Enforcement Tool to Return Distressed Properties to Sound Private Ownership*. Better Government Competition No. 10. Boston, MA: Pioneer Institute for Public Policy Research.

This article describes how the Housing and Preservation Department (HPD) of New York City began developing strategies to address the growing housing abandonment crisis of the late 1970s and early 1980s. Many property owners were unable to meet the maintenance and financial demands of their properties. Therefore, New York City began adopting *in rem* proceedings for thousands of abandoned properties in the early 1980s in order to maintain and repair distressed properties, rather than continuing *in personam* (action against the property). This tactic was very costly to the City in the long run however. *In rem* proceedings also failed to address numerous maintenance and physical problems associated with abandoned properties. As a result, HPD developed another strategy.

HPD's new strategy, the Third Party Transfer Initiative, transfers ownership of distressed properties to third parties without the City taking title of the property. The piloting of the initiative in the South Bronx proved a success for a number of reasons. The City was able to cut costs by millions of dollars; turn around distressed properties quickly; utilize local resources such as neighborhood groups; and rehabilitate thousands of units. Private financial resources such as banks and foundations contributed to the success of the Third Party Transfer Initiative. However, HPD did experience many obstacles such as: tenant resistance to the program; legislative skepticism; identifying properties for transfer; obtaining advice and input from outside groups and

individuals. The author describes how the success of the HPD program and its flexible financing mechanisms make it easy to replicate across the country.

Bergman, Bruce J. 1981. Compensating the Receiver in Foreclosure Actions. *New York State Bar Journal*, June: 276.

This article examines the general duties of the receiver and provisions for his payment. Bergman begins with the appointment of a receiver via a standard clause in a mortgage, the requirement of notice, and the needed qualifications of the receiver. The accepted entitlement (compensation) by receivers, as stated in CPLR §8004 and its subsequent interpretations, is discussed. Other topics include: (1) court action when no income is collected by the receiver, (2) minimum payments, and (3) caps on total commissions. Citations of cases covering these issues and practices are included.

Black, Karen L. 2003. *Reclaiming Abandoned Pennsylvania*. Pennsylvania Low Income Housing Coalition Report. Glenside, PA.

This report makes recommendations for reform in order to improve the City of Philadelphia's ability to acquire, assemble and dispose of property. Reform regulations include: creating statewide inventory of abandoned residential property; land banking and side yard programs; changes to state law regarding tax liens to improve process of foreclosure for acquisition; restructuring of eminent domain law; enact "Smart Rehabilitation Building Subcode" to further rehabilitation and safety of older buildings; and a reduction in time under Adverse Possession Law to support homeownership and rehabilitation. Pennsylvania state law and its role in property acquisition and disposition in Philadelphia are analyzed. A review of programs and other state laws provides models and best practices for change with in the context of Pennsylvania.

Blackwell, Keri. 1999a. *Cleveland Case Study & Summary*. New York, NY: Local Initiatives Support Corporation.

The Cleveland case study presents model practices with respect to the Cleveland Land Bank, which is responsible for acquisition and disposition of tax-delinquent properties in the city. A state bill passed in 1988 enabled Ohio municipalities to streamline the foreclosure process by setting aside five percent of collected delinquent taxes to fund new technology and a research department that would expedite the process and cut costs associated with the acquisition and disposition process. Tax abatements are offered on delinquent property taxes on properties that are kept in the land bank. In addition, this legislation eliminates *in rem* proceedings by requiring that the county send mail notification of foreclosure procedures to all identified all parties involved and/or those with title to the property. With the establishment of a land bank and stronger legislation, Cleveland was able to acquire and dispose of properties that were later effectively reused by many CDC's and private entities.

\_\_\_\_\_. 1999b. *Indianapolis Case Study & Summary*. New York, NY: Local Initiatives Support Corporation.

This case study focuses on expedited tax sale procedures and statutes that transfer properties from the City of Indianapolis to local community development corporations (CDC's). The acquisition of property by the City or County can occur through a number of ways, such as receiverships, intergovernmental transfers, and through county tax sales for interested parties seeking properties to redevelop. In addition, a "spot" eminent domain procedure permits the city to acquire property not located directly in a redevelopment area but is distressed and unsafe in a community. In some instances, CDC's are also able to purchase properties directly from tax-delinquent owners before a tax sale occurs. Properties are transferred to CDC's through an expedited tax sale that allows a fast and easy method of assembling properties for transfer by placing tax-delinquent properties on a list, which is submitted to the county auditor. CDC's inquire about properties on the list and are then able to approach city officials after providing a redevelopment plan.

Building Technology, Inc. 1981. *Building regulations and existing buildings: Improved techniques for regulation of existing buildings*. Report prepared for the U.S. Department of Housing and Urban Development. Silver Spring, MD: Building Technology, Inc.

The report by Building Technology, Inc. (BTI) outlines an improved system for regulating existing buildings. It gives an outline for a system of regulation and describes what the activities of that system should encompass. A single-model system, which would be directly applicable to communities, is not given because of the variation in local needs. Rather, the report outlines factors that must be accounted for in the designing of systems on the local level (e.g., each regulation should include an identification in the responsible government agency). Recommendations are made for improvements of both organizational and operational aspects of building regulation. Attention is also given to the need for maintenance of and change in code standards over time. This is deemed especially important on the statewide level so that localities can follow the statewide guidelines. The improved techniques that are recommended in the report are designed to compensate for, or at least draw attention to, the problems outlined in BTI's *Building Regulations and Existing Buildings: Problems with Existing Building Regulatory Techniques*.

Bunnell, Gene. 1978. *Final report—Removing obstacles to building reuse and community conservation at the local level*. Washington, DC: U.S. Department of Housing and Urban Development.

The report identifies areas for improvement in the Massachusetts building code and makes recommendations for improvement that are incorporated in Article 22—an amendment to the Massachusetts code. Problem areas are identified by analyzing the original code, reviewing appeals, and studying six test cases (which compare expenses and procedures of rehabilitation under both the original code and the suggested amendment). The report stated that a more flexible code was needed. As a result, Article 22 was adopted. Article 22 uses a performance-based hazard-level index to determine when standards should be mandated for a



change in occupancy. Article 22 also allows compliance alternatives. The report recommends development of regional appellate boards for rehabilitation.

Burchell, R. and D. Listokin. 1981. *The Adaptive Reuse Handbook: Procedures to inventory, Control, Manage and Reemploy Surplus Municipal Properties*. New Brunswick, NJ: Center for Urban Policy Research, 1981.

Chapter 5 of this monograph provides an introduction to the legal measures which may be used locally to gain short-term control of deteriorating properties. It considers receivership, judicially supervised rent withholding, emergency repair laws, and hazardous-building laws. The chapter indicates that receivership is authorized in nine states: Connecticut, Delaware, Illinois, Indiana, Massachusetts, Minnesota, Missouri, New Jersey, and New York. The authors observe numerous receivership characteristics. For instance, a public body, tenants, or a combination of the two typically initiates receivership. With the exception of Delaware, all states provide for public bodies, e.g. the code-enforcement or buildings department, to begin the proceedings. Connecticut, Minnesota, and Missouri additionally allow tenant initiation. In Delaware, receivership can be implemented only upon tenant request.

There is not an easily ascertainable pattern found in the receivership statutes as to allowable receivers. Generally, the receiver may be a private party or a public agency. Some statutes are more specific in that they identify the local private or public agency/agencies which are authorized to act as receivers. Indiana, for example, provides for a private receiver that must be a nonprofit housing corporation. In New York, the eligible public bodies include the commissioner or chief executive of the bureau or department of real estate of the municipality.

Some of the receivership statutes (e.g., the Maryland and Delaware provisions), place restraints on the powers of the receiver, such as the requirement of posting a bond or limiting repairs to those that can be paid from the regular income of the property. In the event that this latter restraint is not prescribed by statute, the receiver's inability to perform full rehabilitation may be an economic constraint as a result of the lack of provision of a financing mechanism such as issuing certificates to finance the cost of repairs.

Only a handful of states which authorize receivership (e.g., Illinois, Indiana and Missouri) permit the receiver to issue certificates to finance the cost of repairs. Two of these states (Indiana and Missouri) authorize the issuance of receivership certificates only with court approval. In those states in which receivership certificates can be issued, there is no other state or local fund available for repair expenses. With the exception of Delaware and New Jersey, the Northeast states where receivership is available are the only jurisdictions that provide for a state or local fund to finance the cost of the receiver's repairs. In more than half the number of states where receivership is permissible, a receiver may obtain a lien against the property. In those cases where repairs are financed by the sale of receivership certificates, the certificates are superior to all liens except taxes. A lien against the property under the control of the receiver is also secured in those jurisdictions having a state or local fund available as a financing mechanism.

Center for Community Development and Preservation. 1979. *Building a foundation for urban revitalization: Tools and techniques for the moderate rehabilitation of multifamily housing*. White Plains, NY: Center for Community Development and Preservation.

The report outlines several barriers faced when rehabilitating multifamily housing. A lack of clearly defined objectives, including the degree of rehabilitation, and a poorly designed work plan often creates problems. Inadequate skills possessed by people involved with rehabilitation and a lack of support from key sectors, including the public and financial sectors, and building owners, are barriers. Lack of cooperation from tenants in occupied buildings is a barrier in rehabilitating multifamily housing.

Ding, Chengri and Gerrit-Jan Knaap. 2003. Property Values in Inner City Neighborhoods: The Effects of Homeownership, Housing Investment, and Economic Development. *Housing Policy Debate* 13 (4): 701-728.

Ding and Knaap utilize a hedonic price function to assess the effect of homeowner migration, housing investments, and growth in business establishments on residential property values in Cleveland, Ohio. Their model estimates that investments in new houses positively impact property values, while increases in the number of all business establishments, except social services, decreases housing values. The immigration of homeowners increases housing values while the outmigration decreases values. These findings support the neighborhood revitalization hypothesis that government-housing programs are important in the rejuvenation of lower income urban areas.

Drayer, Robin. 1992. *Saving Housing Through Receivership: The Chicago Experience*. Shelterforce (September/October #65). Orange, NJ: National Housing Institute.

This article discusses how the City of Chicago has instituted and implemented two programs under a housing receivership program -- Emergency Heat Program (EHP) and Housing Abandonment Prevention Program (HAPP). For both programs, the City requests that the court appoint a receiver which will act as the main contact responsible for paying emergency heating costs and/or repairing or replacing basic building systems. Though each receivership success depends upon the dynamics and economics of the neighborhood, Chicago's Housing Receivership program has proven successful for many neighborhoods in keeping buildings from falling into abandonment.

Several lessons were learned from Chicago's experience. Receivership requires a person with good accounting and management skills. Receivers must also have access to information such as a building profile that describes the building's conditions; tenants characteristics; and any government sources of operating subsidies. After a property has been transferred to receivership, the receiver must prepare a detailed economic feasibility plan that outlines goals, recommendations and action plans for improving building operations and making capital improvements.

Duda, Mark. 2001. Federally Sponsored Rehabilitation Activity. Working Paper W01-8. Joint Center for Housing Studies. Cambridge, Massachusetts: Harvard University.

This paper addresses the impact of changing federal support and the shift of administrative responsibilities for federal funds to states and localities on housing rehabilitation. Federal programs supporting rehabilitation are presented in three main categories: insurance, grant and tax credit. The discussion of these programs highlights the change in funding emphasis for rehabilitation focusing first on light, then substantial and then back to light projects. In addition to federal funding being used to leverage capital from outside sources, it is also noted that it is common for aid recipients to procure government support through a variety of programs.

Ferro, Maximilian L. 1993. Building codes and older structures: The Massachusetts experience. In David Listokin, ed. *Preservation and affordable housing: Accomplishments, constraints, and opportunities*. New Brunswick, NJ: Center for Urban Policy Research, Rutgers, The State University of New Jersey. Draft manuscript of papers submitted at a conference sponsored by the National Trust for Historic Preservation in Newark, New Jersey, May 1990.

This paper gives a brief history of the regulation of existing housing and discusses the formation and effects of Article 22 of the Massachusetts building code. Ferro describes the “25–50% rule” and its effects, showing it to unreasonably increase rehabilitation costs if applied stringently. The paper also describes the evolution of a hazard-level-index system that was applied to rehabilitation. Article 22 incorporates that system and, in addition gives the option of “compliance alternatives” rather than strictly mandating new-construction specifications. Ferro points out that adoption of Article 22 led to “controlled construction” in smaller jurisdictions, where building inspectors deemed all building designs submitted by architects and engineers to be “compliance alternatives.” In a controlled construction system, the architect or engineer who submitted the design is held liable. The paper also comments on the cumbersome overlapping responsibilities of local fire marshals and building inspectors.

Gill, Linda V. Nuisance Recovery as a Means to Stop Residential Housing Abandonment. 1976. *UMKC Law Review*, Vol. 45, No. 1, Fall, p. 99.

The growing occurrence of housing abandonment has increased the need for punitive measures to help battle the problem. This article discusses the use of nuisance laws as a land-use control and as a means of encouraging housing maintenance.

*Puritan Holding Co. v. Holloschitz* (372 NYS2500) is used as an example of a case involving nuisance law. The legal issues involved are: (1) the basis of defendant liability, (2) reasonableness or activity/use, (3) problems in measuring negative social activity, (4) environment and health concerns, and (5) the difficulty of providing the tangibility of injury.

Gill is also concerned with the court's need to define "abandonment." Guidelines that recognize both site-specific and overall socioeconomic factors are given.

Goddard, S. 1970. Rent Receivership: an Evaluation of its Effectiveness as a Housing Code Enforcement Tool in Connecticut Cities. *Connecticut Law Review*, Vol. 2, No. 3, Spring, p. 687.

Goddard examines both statutory remedies and code enforcement as tools to maintain housing standards. The 1962 Connecticut Rent Receivership statute is explained and compared to its counterparts in New York and Massachusetts.

Specific receivership issues are addressed, including: (1) initiation of action, (2) selection and bonding of a receiver, (3) size of the receiver's budget, (4) the liability of a receiver, and (5) the receiver's termination. The roles of the tenant in both initiating action and as a tenant representative are also examined, as are the legal issues of due process and housing repair costs not covered by extant revenues.

Goddard questions receivership's use on such grounds as: (1) the receiver's limited income from rents which causes (2) a shortage of willing receivers and (3) contractors, and (4) the overall high cost of the program. His recommendations for future changes are: (1) allocating state subsidy funds, (2) encouraging larger-scale operations to capitalize from economies of scale, (3) fostering more resident participation in the process, (4) allowing a wider scope of properties to be placed in receivership, and (5) clarifying the role of the receiver.

Grad, Frank P. Equitable Remedies. 1968. *Legal Remedies for Housing Code Violations*, Chapter 5. Research Report, No. 14, National Commission on Urban Problems. Washington, D.C.: Government Printing Office.

Receivership is an equitable remedy and has been used as a means of code enforcement. Grad discusses the legislative requirements needed to authorize its use. A comparison of six state statutes encompasses: (1) appointment proceedings, (2) limitations on receivership agents, (3) restraints on initiating parties, and (4) specific judicial procedures. A case study of the New York City receivership program includes: (1) legal provisions, (2) changes of the receivership law, and (3) a discussion of how funds are recouped via prior liens on the property.

The effectiveness of the New York City Receivership Program is examined by Grad on the following grounds: (1) the track record of units involved, (2) the program's flexibility in selecting buildings, and (3) the impact on multifamily property owners.

The limitations of receivership are also discussed, including the high cost of the program, and the city's failure to recoup costs by the foreclosure and resale of properties.

The receivership program in Chicago varies from that of New York. An overview of this program includes: (1) statutory provisions, (2) the ability of the receiver to issue receivership certificates, (3) housing conditions triggering the program, (4) and the appointment of the Chicago Dwellings Association as a receiver.

In addition to New York and Illinois, specific problems with receivership legislation in the following states are included: (1) Connecticut—which limits use to certain municipalities adopting the needed legislation, and (2) Missouri—where constitutional questions regarding receivership have been raised.

Green, Melvyn. 1988. Building codes and historic preservation: An overview. *Preservation Forum* (Spring): 11–12.

The article outlines the evolution of the regulation of historic buildings since 1974. The evolutionary process includes movement away from the “25–50 percent” rule toward performance-based historic preservation building provisions. Melvin cites Article 22 of the Massachusetts code; *Rehabilitation Guidelines 1980*; the Uniform Code for Building Conservation (UCBC); and Article 25 (currently Article 34) of the BOCA Code, as significant achievements in making the building code more compatible rehabilitation. The article, for instance, details the modern UCBC, which allows for existing buildings to be rehabilitated without the requirements to comply with new-construction standards. The UCBC is also noted for judging performance based on the hazard levels of building attributes (e.g., egress, ventilation) rather than on a change in occupancy. The UCBC uses the National Institute of Building Science’s *Rehabilitation Guidelines* as the standard for rating existing buildings. Article 25 of the BOCA code is acknowledged for not requiring full compliance (e.g., building alterations or additions) with new-construction specifications, and the Southern Building Code Congress is noted as well for plans to publish more flexible code standards for existing buildings.

Gribetz, Judah. 1964. New York City’s Receivership Law Seen as Essential Code Enforcement Weapon. *Journal of Housing* , No. 6, June, p. 297.

New York City’s Receivership Law (1962) was designed to guarantee that minimum housing standards are met and serious code violations are corrected. This goal and others (e.g., limiting the growth of slum areas and increasing the supply of affordable housing) are enumerated in this article written by the then City Housing Commissioner.

Gribetz discusses the shortcomings of each of the previously existing procedures used by the city to deal with deteriorated buildings: (1) vacation and condemnation, (2) criminal prosecution of owners of buildings with serious violations, (3) a reduction in the allowable rent for units under rent control, and (4) withholding rent payments for welfare tenants. The relative benefits of receivership compared to these responses are then discussed

Gross, James G. 1979. *Improving building regulations for rehabilitation*. Washington, DC: National Bureau of Standards, Building Economics and Regulatory Technology Division.

This paper provides an overview of the building regulations applied to rehabilitation. Gross discusses constraints imposed by regulation, recent technical activity to improve rehabilitation regulation. He also identifies research needed to permit more effective use of the existing building stock. A study by the National Bureau of Standards Center for Building Technology identified several regulatory problems. Most codes contain administrative provisions stating that a building's conformance with the requirements of the building code for new construction should increase in relation to the dollar amount of rehabilitation planned (i.e., the "25–50 percent rule"); compliance with those provisions is very expensive. The building codes for new construction present difficulties because they may not address the types of construction present in many older buildings. In addition, new-construction codes are structured to follow the new-construction process, in which the building is designed to comply with established requirements. The technical basis of some codes has been questioned; some building officials feel that they limit innovative solutions because there is a lack of technical flexibility to allow code deviations. Several technical actions are required to alleviate these regulatory problems: (1) evaluation of technical constraints in current codes for various occupancies to determine validity or provide basis for removal; (2) development of a comprehensive set of performance requirements for existing buildings; and (3) preparation of a catalog of building systems no longer in use for evaluating the performance of archaic systems against code requirements. HUD's *Model Rehabilitation Guidelines* are listed, and research needs for building rehabilitation are noted, including test methods, analytical procedures, field inspection guidelines, and economic considerations.

Grossman, Mark. 1975. The New York City Housing Receivership and Community Management Programs. *Fordham Urban Law Journal*. Vol. 3, No. 2, Spring, p. 637.

Citing the housing shortage and high cost of construction, Grossman explains how the New York City receivership program was developed to "reclaim" the existing housing stock. The identification of buildings that show the potential for abandonment is a primary step in the process. Initiation of receivership action is slowed by the difficulty of determining who is legally responsible for property maintenance. A detailed explanation of the legal procedures and implementation of receivership follows, encompassing such topics as: (1) initiating legal action, (2) notifying the owners of existing violations and needed corrections, and (3) providing remedial responses to avoid receivership.

Grossman considers two types of receiverships: judicially approved, which is used to correct a public nuisance, and non-judicial, which requires emergency repair liens to be placed on future rents. The statutes for both are given, along with a discussion of their similarities and differences.

The author also discusses two administrative approaches to receivership—central (city agency) and community management. The author explains the workings of both, covering maintenance chores, maintenance contractors, the specific involvement of city/neighborhood personnel, record keeping, etc.

Hageman, J.A. 1979. Receivership: Let the Procurer Beware. *Washburn Law Journal*, Vol. 18, Winter, p. 391.

Appointment of a receiver “ex parte” (in general) or without notice can be a dangerous practice. This article cites a Kansas Supreme Court case allowing a debtor to recover his damages by proving a receiver was appointed without adequate justification or notice. Legal issues examined are: (1) right of notification, (2) due process, (3) establishing “good faith,” and (4) neglect of duties by the receiver. Interpretations of notice and other receivership provisions by other states are included.

Housing and Neighborhood Development Services, Inc. 1999. *Restoring Problem Properties to the Tax Rolls: Rehabilitation & Homeownership Is the Answer to Neighborhood Stability*. HANDS, Inc., New Jersey.

This document focuses on how the Cities of East Orange and Orange, New Jersey should address problems caused by vacant properties. There is discussion of various challenges as well as insight on why more is not being done to combat the issue. This report proposes initiatives that can help with developing action plans for various vacant properties in the two cities. For example, HANDS, Inc. suggested creating a Problem Property Task Force and a Rehabilitation Incentive Fund to plan and help coordinate subsidies to rehabilitate vacant properties and assist with getting properties back on the municipal tax rolls.

Hughes, Mark Alan. 2000. Dirt into Dollars: Converting Vacant Land Into Valuable Development. *The Brookings Review*. Vol. 18, No. 3. The Brookings Institution, Washington, D.C.

The historical decline in Philadelphia’s population over the last fifty years has become problematic, as a staggering number of vacant land and buildings continues to rise to problematic proportions. This article focuses its attention on the complexity of having fifteen public agencies responsible for vacant properties in Philadelphia. The author recommends that the City of Philadelphia improve cooperation and streamline information between departments. In addition, the City should develop a single authority responsible for acquiring, managing, consolidating and disposing of vacant properties. This agency would have a triage strategy that includes: strategic planning, redeveloping its inventory to meet market conditions; and playing an intentional land bank role throughout neighborhoods in Philadelphia.

Hughes, Mark Alan and Rebekah Cook-Mack. 1999. *Critical Issues Facing Philadelphia’s Neighborhoods: Vacancy Reassessed*. Philadelphia, PA: Public/Private Ventures. <<http://www.ppv.org/pdf/files/vacancyreassessed.pdf>>

This article highlights how Philadelphia in the mid-1990s released reports detailing vacant land issues and took steps toward outlining initiatives to combat this problem. Hughes and Mack discuss how vacant properties in the City of Philadelphia exist largely due to rising depopulation since 1950. Having a new authority that would be responsible for all vacant property in

Philadelphia would help consolidate the City's efforts to address the issue more effectively. Attention is focused on two core challenges regarding vacant land and building issues in the City: informational and institutional barriers that prohibit the most effective methods of acquisition and disposition.

Institute for Liberty and Community. 1978. *Obstacles to Rehabilitation of Abandoned Housing Posed by Property Title and Tax Systems*. Concord, VT: Institute for Liberty and Community, September.

A lengthy scholarly document detailing the obstacles to property revitalization posed by archaic property title and tax systems. The study also considers innovative changes ranging from the Torrens title system, to the Missouri Chapter 353 Land Reutilization Authority, to New York City's multiple housing receivership programs. Many of the findings of the report are summarized in the article by John McClaghry, "Recycling Declining Neighborhoods: Give the People a Chance."

Kromer, John. 2002. *Vacant-Property Policy and Practice: Baltimore and Philadelphia*. Washington D.C.: The Brookings Institution Center on Urban and Metropolitan Policy.

Vacancy most often occurs in weaker real estate markets, where the return on private investment is not great enough to make large-scale rehabilitation and new construction economically feasible. The lack of private capital necessitates that local governments leverage municipal funding to secure additional financing capital and resources. This paper systematically addresses seven issues of the redevelopment process of vacant properties with-in the context of Baltimore and Philadelphia, making recommendations to streamline the process and encourage redevelopment efforts. The seven main issues discussed are: limited information resources regarding vacant property inventory; administrative structure; legal requirements; funding gap for property acquisition and to entice development; low value of city real estate; under-funded programs; slow federal action with regards to the disposition of properties to local government agencies.

Lead-Based Paint Hazard Reduction and Financing Task Force. 1995. *Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing*. Washington, DC: United States Department of Housing and Urban Development.

This report addresses the issue of lead hazards in housing and evaluates financing issues the mitigation of the dangers of lead. Three issues identified as essential to any strategy of reducing lead-based paint hazards are: costs are high; those in most need are usually the least able to support the costs of reduction due to income or credit; the housing market does not generally recognize the value of controlling hazards associated with lead-based paint.

Recommendations are made in order to improve the task of reducing lead hazards in housing and increasing the accessibility of financing opportunities. It is recommended that the appraisal industry receive training on the dangers of lead-based paint and



methods of control so that market valuations will more accurately reflect the value of the housing unit. Other suggestions include: addition of lead-based paint standards into mortgage underwriting criteria for FHA insurance and both the primary and secondary markets; limit lender liability after acquisition of a property contingent upon lender response to lead hazards; the use of public-private financing for lead hazard control as part of other rehabilitation and acquisition financing; increases in the availability of public financing for both low income households and low valued housing.

Levi, Julian H. 1966. Focal Leverage Points in Problems Relating to Real Property. *Columbia Law Review*, Vol. 66, 1966, p. 275.

Slum dwellings represent a rental arrangement in which the landlord is the favored party. Often these buildings fall into substantial disrepair. In recent years, the responsibility for maintaining such structures in standard operating condition has shifted from the property owner to the municipality through such means as building-code enforcement.

Building-code enforcement is often fragmented in its approach to property maintenance. Courts are overwhelmed with such cases. Building receivership is therefore suggested as a means to remedy housing deficiencies. The receiver would contract for repairs and would then place a lien against the building superior to outstanding mortgages and other liens. The superiority of this lien is intended to encourage owners and mortgagees themselves to initiate repairs, and thereby maintain effective control over building operations.

A building receivership program can operate in conjunction with a legal procedure that encourages tenants to petition courts to relieve substandard building conditions.

Listokin, David. 1974. Housing Receivership Is No Panacea. *Real Estate Review*, Vol. 4, No. 1, p. 130.

Receivership has the potential to improve housing-code enforcement and property maintenance. Nonetheless, its use has been limited and not always successful. The author points out numerous restraints. Possible legal issues include: (1) unconstitutionality of statutes if care is not taken with owner notification, and (2) illegality ensuing from receivership's impairment of contractual obligations (as a consequence of its prior-lien status). The problems of financing repairs and issuing receivership certificates also limit the program's success. Another restraint is the difficulty of finding competent receivers and contractors.

Suggested solutions include: (1) resolving problems involving the issuance of receivership certificates, (2) reducing tenant/landlord difficulties via tenant co-op control and sweat-equity programs, and (3) receiver management-training programs.

Mallach, Alan. 2001. *From Abandonment to Reuse: Issues and Policies in Urban Property Abandonment*. National Housing Institute, Orange, New Jersey

This document critically analyzes what is and is not being done by municipalities regarding property abandonment. Property is examined through a life cycle that ranges from an early stage of abandonment to its final stage of reuse or rehabilitation. The author details many of the social, physical and economic consequences that can occur in a community as a result of property abandonment. According to the author, preventing abandonment is not an easy task for cities, but it requires addressing managerial, legal and economic issues and creating strategies to address these problems. From a municipal standpoint, managing an abandoned property inventory necessitates: the reexamination of public policies that contribute or hinder the process; developing neighborhood-based strategies; addressing legal obstacles and related issues; and, implementing managerial practices such as, better coordination and reorganization. The author suggests creating better marketing techniques and strategies that rely on neighborhood planning, demolition and downsizing to combat the abandoned property plague across America.

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\_\_\_\_\_. 2001. *Doing Business with Local Government: A Handbook for Nonprofit Developers, Community Development Corporations, Community Planners, and Others: Chapter 4 - Property Acquisition and Disposition*. Trenton, NJ: Housing and Community Development Network.

Chapter Four of this handbook provides an in-depth overview of the property acquisition and disposition process. The author first outlines urban property issues with regard to acquisition and disposition and the differences that exist in urban and suburban contexts. Municipalities use various tools during the acquisition process such as, voluntary purchase, gifts, tax foreclosure and eminent domain. Municipalities are able to dispose of properties by utilizing local land and building laws, Request For Proposal's and other legal powers under their discretion such as auctions and sales.

Mann, N.H. 1973. Receivership of Problem Buildings in New York City and Its Potential for Decent Housing of the Poor. *Columbia Journal of Law and Social Problems*, Vol. 9, No. 3, p. 309.

Mann discusses housing problems in New York City and the need for adequate low-cost housing. The shortage of safe, available low-rent units has given rise to many housing programs and policies. The following are discussed: (1) rent control, (2) rent assistance, (3) changes in real-estate taxation, (4) problem-building programs, (5) housing-code enforcement, (6) emergency repair programs, (7) housing maintenance and repair programs, (8) private rehabilitation loans, (9) in rem tax-foreclosure proceedings, and (10) receivership.

This latter program is examined in depth. Mann traces receivership's application over time. He also considers legal issues and procedures such as: (1) determining the feasibility of initiating action, (2) demands for compliance, (3) orders to show cause, and (4) the receiver's appointment. Other issues covered include the powers and requirements of receivers, and special provisions for liability by the owners, mortgagees, and lienors.

Recommendations for improving receivership are: (1) unifying receivership with related programs, (2) increasing the involvement of concerned parties at the initiation stage, (3) eliminating the need for reinspection, and (4) clarifying the receiver's power and duties. Mann also proposes an active role for tenants and the community in the management and eventual ownership of buildings under receivership.

McClaughry, John. 1978. Recycling Declining Neighborhoods: Give the People a Chance. *The Urban Lawyer*, Vol. 10, No. 2, Spring, p. 318.

This article examines the organizational framework and policy formation of neighborhood programs. For many years there was a failure to recognize the potential of neighborhood-based strategies. Federal revenue-sharing programs brought a resurgence of locally controlled revitalization efforts. Examples of different neighborhood organizations and their relationships with local and state governments are given.

Problems caused by state and local laws can pose major obstacles for local groups. Some of these include: (1) difficulties of obtaining abandoned buildings through tax foreclosure, (2) strict housing codes or historic district codes that increase the scope and cost of repairs, (3) requirement of performance bonds, (4) non-congruent neighborhood and political districts, (5) overly stringent affirmative action and employment laws, and (6) environmental limitations.

The legal tools available to neighborhood corporations include: (1) property-owner registration and other identification systems, (2) use of statutes to force repair of housing-code violations, (3) tax foreclosure actions, and (4) financing provisions and issuance of bonds. Examples of each are provided. McClaughry also examines the provisions that several states have for allowing private corporations to effect redevelopment programs.

A national policy for neighborhood preservation can be built around existing programs. The Community Development Block Grant and Neighborhood Housing Services programs both depend on local organizations and involvement. Ways of encouraging private reinvestment are proposed in order to foster a successful, locally controlled neighborhood revitalization program.

McKenna, William F. 1982. *The report of the President's Commission on Housing*. Washington, DC: Government Printing Office.

The report describes national housing problems and makes recommendations for improvement. With respect to the building code, the commission notes that codes often unnecessarily increase the cost of rehabilitation. It states that codes frequently have a new-construction orientation and do not address older types of construction. Codes are also said to hamper innovation because building codes do not incorporate innovative techniques and materials unless private firms secure their adoption (e.g., the manufacturer of plastic pipes will lobby for code adoption, while an innovative design is neglected by a code because no private firm will spend the money to secure its adoption). The report further states that building officials often hesitate to allow alternative solutions that deviate from strict code specifications. It also cites the diversity in local codes, which increases the cost of

construction and rehabilitation (e.g., a supplier of building materials would have to meet the different specifications of each locality being supplied, thereby increasing costs). The report supports mandatory statewide codes that prohibit more stringent local codes and that require testing and licensing of local building officials. It also views rigid access requirements for the physically challenged as an impediment to low-cost rehabilitation and calls on the American National Standards Institute (ANSI) to refine its standards to specify scope rather than universal requirements (i.e., mandating 5 percent of apartments to be accessible to the physically challenged, rather than design requirements that apply to all apartments).

Metz, F. Eugene. 1977. *Housing conservation technology*. Washington, DC: Center for Building Technology.

The study states that building codes are a hindrance to innovations, new construction, and rehabilitation. Codes are shown to hamper innovation, often being extremely slow in adopting technological advances in design and material (e.g. plastic pipe) because of building officials' fear of liability. The study identifies codes as often being prescriptive and not allowing for alternative solutions to a problem. The study also criticizes the "25-50 percent rule", which mandates compliance with the new-construction code if rehabilitation costs escalate to "25-50" percent thresholds.

Mueller, Lisa. 1999a. *Atlanta Case Study & Summary*. New York, NY: Local Initiatives Support Corporation.

This case study focuses on model practices on property disposition and tax foreclosures. The City of Atlanta and Fulton County have implemented several legislative measures in the last decade to streamline a cumbersome property disposition process. For instance, Fulton County has created an inventory of properties with numerous tax problems that permits organizations and interested individuals to search a computer database and map on tax-delinquent properties. A Land Bank Authority for Fulton County and the City of Atlanta serves as an intermediary and expedites the process for clearing titles on properties, etc. Legislation improving the tax foreclosure process was enacted in 1995 that shortened the redemption period to expedite the acquisition process and increased notice requirements prior to tax sales. This has made it less time consuming for developers to obtain tax sale titles on properties.

\_\_\_\_\_. 1999b. *New York City Case Study & Summary*. New York, NY: Local Initiatives Support Corporation.

The Third Party Transfer Initiative is the core program of this case study model in New York City. Legislation enacted in 1996 enabled the City of New York to permit the Department of Finance to begin *in rem* proceedings on tax-delinquent properties. If the tax-delinquent owner fails to pay, the city is then able to transfer the property over to a third party that is willing to rehabilitate the building. LIISC assisted the city with helping to create a nonprofit organization, Neighborhood Restore, to act as an intermediary between the city and neighborhood-based organizations. The functions handled by Neighborhood Restore are: acting as an interim owner for twelve months so the City can meet transfer of ownership deadlines; setting up management agreements for properties

with new owners; offering agency support during the rehabilitation period; preparing legal documents; and, stabilizing properties before a third party transfer occurs. The Third Party Initiative provides lien forgiveness, low acquisition and rehabilitation costs, tax incentives and city funding to encourage new owners to participate in rehabilitating buildings and transforming neighborhoods.

National Institute of Building Sciences. 1987. *Meeting America's housing needs through rehabilitation of existing housing and vacant buildings*. Washington, DC: National Institute of Building Sciences.

This report details the worsening trends in providing affordable housing for low-income households during the past 40 years and recommends the rehabilitation of abandoned buildings and poor-quality units as a solution to this problem. It notes that the goal of a decent home for every American family, set in 1949, has not been met and that the federal government appears unlikely to expand housing subsidies to reach more needy households. Statistics show that housing has improved in quality and has become less crowded over the past 40 years. However, that improvement has not extended to housing for very low-income people. The analysis concludes that nonprofit organizations and private developers that still provide housing for low-income renters and homeowners should focus on using abandoned buildings because those structures can be acquired for little or no cost and rehabilitated for less than the cost of new construction. Detailed recommendations for accomplishing this effort are provided in four areas: zoning, building codes, regulations, and finance.

Noddings, Sarah E. 1974. Housing Maintenance and Rehabilitation: Legislative and Judicial Responses. *Seton Hall Law Review*, Vol. 6: 86.

Beginning with an overview of national housing policies, Noddings focuses on the need for housing-code reform and the resulting changes in New Jersey law. The specific needs of New Jersey cities in the 1960s required additional housing units that could not be met by new construction alone. Newark's age and high density had resulted in 30-45% of the total housing units being classified as substandard, dilapidated, or abandoned.

Legislative provisions for housing rehabilitation began in 1967 with the establishment of the New Jersey Finance Agency, which distributes mortgage loans to finance construction and repair of housing for low-and moderate-income families. Also in 1967, the Department of Community Affairs Demonstration Grant Program was established to develop the use of improved technology and materials and more economical methods of housing construction and rehabilitation. The Hotel and Multiple Dwelling Law (1967) expanded state regulation over multiple-unit buildings.

These three programs work to further enforce housing codes and encourage the maintenance and repair of housing units. The specific issues of (1) establishing minimum standards, (2) assigning the responsibility of maintenance between tenants and landlords, and (3) housing-code enforcement are all examined. The last is done using (1) criminal sanctions, (2) civil sanctions, (3) equitable solutions—including receivership, and (4) orders for vacation and demolition. Each remedy is carefully detailed.

Noddings also provides a discussion of related court cases that involve the use of these remedies. The author also makes recommendations for the increased use of receivership and zoned housing codes.

Nolon, J.R. 1965. Prior Lien on Rents and Profits Upheld as a Method of Financing Repairs—In Re Dep't. of Bldgs. *Michigan Law Review*, Vol. 63, No. 5, May: 1304.

This note focuses on the 1962 New York Receivership Law. Topics include: (1) the building conditions initiating its use, (2) the notification of interested parties, and (3) appointment of the receiver. *In Re Department of Buildings* (1964) challenges the constitutionality of the 1962 receivership law. It determines that receivership did not impair contract rights or the procedural rights of involved parties. Also discussed are the administrative and implementation problems of receivership including: (1) high costs, (2) length of time needed, and (3) amount and type of necessary repairs.

\_\_\_\_\_. 1967. Preference Liens for the Costs of Repairing Slum Property. *Washington University Law Quarterly*, Vol. 1967, No. 1: 141.

The inadequacy of housing-code enforcement has led to the development of housing receivership programs. The legal issues raised by such a practice are the subject of this article.

The requirements of: (1) notification, (2) an opportunity to make repairs, or (3) show cause of disrepair, are all needed to ensure due process in receivership proceedings. The legal issues of the priority of receivership liens and the marketability of receivership certificates are discussed. An overview of state laws regarding receivership liens is included.

\_\_\_\_\_. 1976. A Nuisance Law Approach to the Problem of Housing Abandonment. *Yale Law Journal*, Vol. 85, No. 8, July: 1130.

This note focuses on the use of nuisance law in order to bring suit against abandoning property owners. The negative externalities created by abandoned buildings are discussed, including their becoming: (1) a target for vandals, (2) a shelter for criminal activity, (3) fire or health hazards, (4) an aesthetic or psychological injury to area residents, and (5) a cause of a depreciation of property values.

By using nuisance law, owners of neighboring buildings who can demonstrate that one of the above situations exists, may obtain an injunction ordering its abatement. Variations in state statutes allow either an individual or the city to initiate such action.

There are, however, numerous limits in the use of nuisance law: (1) inability to enforce judgment, (2) the difficulty of measuring damages, and (3) the high cost of legal action. Nonetheless, the author contends that imposing a liability on abandoning owners will promote the “economic efficiency” of the housing market. Other benefits include improved conditions for tenants and extended use of property.

Paxton, Gregory B. 1988. The Georgia Trust building and fire code project. *Preservation Forum* 2, 1 (Spring).

Paxton outlines the model ordinance developed by the Georgia Trust for Historic Preservation, which is designed to allow rehabilitation projects to implement alternative solutions code compliance (and new-construction-oriented) code compliance. The Georgia ordinance emphasizes compliance alternatives; model solutions are offered for specific problems encountered during rehabilitation (e.g., inadequate number of exits). A minimum performance standard requires that the degree of compliance to current code after the rehabilitation process be equal to or greater than the degree before rehabilitation. Specific unsafe conditions (e.g., structural defects) must be remedied through compliance alternatives. The ordinance mandates that new additions and mechanical systems meet modern code requirements. It further states that if a change of use alters the hazard level of the building, then modern code requirements or compliance alternatives would apply. Special considerations are given to historic buildings that are open to the public and that have a high degree of architectural integrity. The ordinance does not require historic buildings to meet code standards, but set minimum safety requirements that must be met (e.g., the number of fire alarms to be included).

Philadelphia, City of. 2001. *Neighborhood Transformation Initiative Five-Year Action Plan (FY 2003-2007)*. Neighborhood Transformation Initiative of the City of Philadelphia  
<[http://www.phila.gov/mayor/jfs/mayorsnti/vacantlots/pdfs/nti\\_fiveyearplan.pdf](http://www.phila.gov/mayor/jfs/mayorsnti/vacantlots/pdfs/nti_fiveyearplan.pdf)>

Under Mayor Street, the City of Philadelphia developed a blueprint in April 2001 aimed at transforming city neighborhoods with a strategy called the Neighborhood Transformation Initiative (NTI). NTI is a comprehensive, community-oriented strategy that seeks to change the way the City and neighborhoods interact and cooperate. This Five-Year Action Plan outlines NTI's framework of six goals and provides detailed information on proactive steps the City and neighborhoods will take to reach and surpass these goals.

The six goals of NTI's strategy are to: facilitate community-based planning; eradicate blight; advance quality of life issues; improve assembling land for development purposes; stimulate investment and redevelopment; and leverage resources strategically. Neighborhood planning, for example, will focus on establishing criteria and processes in forming neighborhood plans, create an inventory of commercial corridors, analyze the City's approach to neighborhood development, etc. The goal of blight elimination will aim to: remove dangerous buildings; clean vacant land; remove abandoned cars, litter and graffiti; and remove dangerous streets. Blight prevention will work to: coordinate and leverage resources and develop interagency cooperation; rely on code enforcement; combat illegal dumping; and fight against predatory lending. Assembling land for development is seen as crucial in turning around the population decline in Philadelphia. NTI's mechanisms to reach its goals are: establishing a Philadelphia Land Bank; developing a vacant property management information system; and, proposing legislative changes. NTI will: promote construction of homes in new urban communities; invest in preserving thousands of units and set aside units in developments as affordable housing for low-income residents throughout the city; facilitate market rate housing; and reorganize city agencies.

Leveraging resources by NTI will require: issuing bonds for neighborhood redevelopment; securing Public Housing Authority resources; attract business investment; proactively seeking federal and state funding; and implementing an aggressive fund-raising strategy.

Pielert, James H. 1981. *Removing regulatory restraints to building rehabilitation: The Massachusetts experience*. Washington, DC: Center for Building Technology, National Bureau of Standards.

The report describes the creation and implementation of Article 22 of the Massachusetts building code. It cites research by the National Bureau of Standards (*Impact of Building Regulations on Rehabilitation—Status and Technical Needs*) that identified areas where existing building codes impeded rehabilitation. The NBS research, for example, argued the need to replace the “25–50 percent rule” with a performance-based system. The formulation of Article 22 was based on the conclusions of the NBS research. The Pielert report includes the text of Article 22—an amendment to the Massachusetts building code is included—Article 22 applies a hazard-level-index system that mandates new building standards only if the hazard level (determined by occupancy and use) significantly changes. Article 22 also gives building officials greater decision-making authority and includes appendices with information on archaic systems and compliance alternatives. The Pielert describes the implementation of Article 22 and provides four case studies that demonstrate its impact on improving the process of building rehabilitation.

Rosen, A. 1968. Receivership: A Useful Tool for Helping to Meet the Housing Needs of Low Income People. *Harvard Civil Rights and Civil Liberties Law Review*, Vol. 3, No. 2, Spring, p. 311.

Means of improving the city’s existing stock fall into two categories: providing assistance to property owners and housing-code enforcement. Receivership is related to the latter. Rosen discusses the use of receivership as the needed tool for housing repair and improvements. A comparison of two programs (Chicago and New York City) and their enabling legislation is provided. A similar program in Massachusetts is also included. The success of receivership results from its both being an active means of correction and providing a threat to property owners to maintain their own buildings.

A thorough discussion of the type and condition of a building best served by receivership, initiation of the procedure, types of receiver organizations, rent-withholding procedures, and tenant involvement are provided. Rosen also addresses the issues of: (1) owner/landlord contract, (2) types of receivers, (3) competence of a receiver, (4) tenant associations and labor union involvement, (5) powers of the receiver, and (6) problems in having the city act as a receiver.

The problems of financing receivership repairs and compensating the receivers are complex. How such issues are approached by each of the states with receivership is discussed, and recommendations for change are made.



Rypkema, Donovan D. 2002. *Historic Preservation and Affordable Housing: The Missed Connection*. Washington, D.C.: The National Trust for Historic Preservation.

Rypkema addresses growing disparities in national homeownership rates and the increasingly important issue of affordable housing. After examining potential solutions, like manufactured housing and dedicated, new affordable housing, Rypkema discusses the potential of the needs of affordable housing to be met by the existing, older housing stock. According to the 1999 American Housing Survey, 32% of households with incomes below the poverty line are living in older (pre-1950) housing. Rypkema estimates that it would cost over \$300 billion, even using cost-effective programs, to replace the housing currently occupied by households living in poverty. The paper concludes with a policy agenda for older and historic neighborhoods to support rehabilitation efforts through changes in the building code, creation of more historic districts, and making older properties a funding priority.

Stevens, P.L. 1974. Appointment of an Equitable Receiver in Pennsylvania: An Unusual Remedy for an Extraordinary Situation. *Dickinson Law Review*, Spring, p. 536.

Stevens provides the historical background of equity proceedings empowering the appointment of a receiver. He begins with the chancery courts of England and continues with receivership's evolution in the Pennsylvania courts. The author discusses such legal issues as: (1) meeting basic equitable requirements for the appointment of a receiver, (2) providing evidence of "reasonable grounds," and (3) required duties to comply with an equity receivership appointment.

A case example of an equitable receivership is given. Appointment was made on the grounds of "prevention of waste" in an attempt to limit the deterioration of real property. Guidelines for the parties involved are given. These include: (1) shareholders of the building corporation, (2) partnerships and joint enterprises, (3) equally entitled owners, (4) debtors, and (5) creditors.

U.S. Department of Housing and Urban Development. 1976. *Housing in the seventies. Working papers 2*. National Housing Policy Review. Washington, DC: U.S. Department of Housing and Urban Development.

One of a two-volume set of working papers produced in response to a 1973 presidential directive, this anthology organizes the papers in the following categories: (1) building codes, (2) housing subsidies and housing markets, (3) tax law, (4) rehabilitation and preservation, (5) housing production, (6) housing revenue sharing, (7) housing allowances, (8) equal opportunity, and (9) general. Specific topics include building codes for manufactured housing and the influence of model codes on local builders' acceptance of innovative technology; housing subsidies and their influence on housing starts; and the social aspects of federal low-income housing. Also discussed are existing and proposed tax regulations related to real estate development and investment;

rationales for homeowners' tax benefits; tax credits as a housing assistance system; rehabilitation versus redevelopment; and scattered versus concentrated housing rehabilitation. A parent report, based on the working papers, was published in 1973.

\_\_\_\_\_. 1983. *Streamlining rehabilitation programs*. Report prepared by Dialogue Systems, Inc. for the U.S. Department of Housing and Urban Development.

This report about rehabilitation programs includes a section on determining the feasibility of rehabilitation. Among the barriers cited are increased costs and time due to duplicative tasks in the rehab process. Another barrier is the lack of a coordinated framework for rehabilitation.

\_\_\_\_\_. 1994a. *Cost-saving construction opportunities and the HOME program: Making the most of HOME funds*. Washington, DC: U.S. Department of Housing and Urban Development, Office of Affordable Housing. December.

This report presents a model for encouraging the widespread use of cost-saving technologies and construction techniques in projects receiving HOME funding, including rehabilitation projects. A goal of the program is to limit the extent to which properties are "substantially rehabilitated" at a cost in excess of \$25,000 per unit—which would subject the property to additional requirements.

\_\_\_\_\_. 1995a. *Innovative rehabilitation technologies: A state of the art overview*. Report prepared by the NAHB Research Center for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research. December.

A study conducted of the building industry that examined new technologies and advances in materials, products, and systems use in residential buildings. The goal was to promote these new technologies as a way to lower costs, decrease the time needed for rehabilitation, and improve the quality of rehabilitation. The study includes information about materials and products and information technology improvements that are applicable to rehabilitation.

\_\_\_\_\_. 1995b. *The status of building regulations for housing rehabilitation*. Report prepared by the NAHB Research Center and Building Technology, Inc., for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research. December.

A report on a national symposium convened to provide a status of rehabilitation in the United States. The symposium examines the three model building codes used in the United States and enforcement of the codes as they relate to rehabilitation.

Three states, New York, New Jersey, and Massachusetts, present their approaches to the regulation of rehabilitation. The report concludes with recommended HUD actions at a national level.

\_\_\_\_\_. 1997. *Nationally applicable recommended rehabilitation provisions*. Prepared by the NAHB Research Center, Inc., for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research. May.

The Nationally Applicable Recommended Rehabilitation Provisions (NARRP) provide a national regulatory framework for the reuse of existing buildings and their adaptation to new uses. The report includes information on the current regulatory system, including the three model building codes, relationships to other regulatory and public policy goals of building rehabilitation, and categories of work covered by the NARRP. The NARRP implements these regulations proportionally by replacing the single category “alteration,” currently used in the model codes—with three categories: renovation, alteration, and reconstruction. This makes the NARRP more precise than the current codes.

\_\_\_\_\_. 1998. *A national survey of rehabilitation enforcement practices*. Prepared by the Building Research Council, School of Architecture, University of Illinois at Urbana-Champaign, for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research. June.

The report summarizes a nationwide survey of code enforcement administrators. The survey examined the extent to which rehabilitation provisions of model building codes have been adopted by local agencies. Responses to the survey showed that HUD’s promotion of specific code provisions for rehabilitation had been successful. Findings about code enforcement showed variety from jurisdiction to jurisdiction, as well as from region to region. Many requirements in the technical code provisions continue to discourage rehabilitation. The report also includes many open-ended comments and case studies that illustrate both barriers to rehabilitation and approaches to encouraging rehabilitation.

U.S. National Commission on Urban Problems. 1969. *Building the American city: Report of the National Commission on Urban Problems*. Washington, D.C.: U.S. Government Printing Office.

The commission details the many problems facing urban communities including housing needs and barriers. It criticizes the prevailing building code standards intended for new construction as being unsuitable for housing rehabilitation. The commission calls for federal regulation of standards for housing rehabilitation and a new building code.

