DECENCY VS. AFFORDABILITY

A "Catch-22" in Housing for Douglas County GA Clients?

By R. K. Piper

This is Part I of an article based on a CAUR study of housing conditions and availability concerning recipients of Douglas County General Assistance payments. Part I investigates housing conditions and is based on an original CAUR report entitled, "Legal Aid Clients with General Assistance Problems: A Study of Housing Conditions," by R.K. Piper, Robert Meyerson, and Chris Wayne.

Part II, which will be published in a subsequent issue, will investigate housing availability and costs.

Background

Nebraska law, specifically Section 68-133, requires county boards to, "Provide a schedule of goods and services necessary for the maintenance of minimum decency and health for families of various sizes, including single persons."

The Douglas County Board of Commissioners has set a schedule of goods and services in their "Interim Regulations" which provides $210.00 per month to cover the shelter costs of single general assistance (GA) recipients. This amount includes all utility costs. Given the experience of their GA clients, Legal Aid Society attorneys were concerned that this was too little money for GA recipients to obtain housing that met minimum decency and health standards. Their clients had had a great deal of difficulty locating housing within this price range, and the attorneys who had visited clients in this housing suspected that much of the housing violated applicable codes.

Their second concern was that Interim Regulation 28:501 stated that Douglas County could deny GA to a person who lived in substandard housing. Strict enforcement of this regulation could, in effect, penalize the poor for living in poor housing.

Finally, Legal Aid attorneys were concerned that these policies might be pursued without adequate consideration of the availability of affordable, alternative housing that met eligibility requirements. The attorneys suspected that the schedule of payments and related regulations had created a "Catch-22" for recipients: voucher payments too low to buy decent housing and denial of any shelter payments if the housing found by the applicant did not meet minimum decency standards.

For all these reasons, Legal Aid Society lawyers requested that the Center for Applied Urban Research evaluate the condition of housing actually rented by GA recipients who had applied to Legal Aid for assistance and provide an analysis of housing availability based on cost.

Methodology

A rating system for housing condition was developed based on the housing code criteria of the Omaha Housing and Community Development Department. The addresses of housing units to be examined to determine the number and degree of any existing code violations were provided to CAUR by the Legal Aid Society.

Out of approximately 100 GA problem cases handled by Legal Aid within the past 18 months, information was gathered on 76 units.

City of Omaha code complaint files were first searched to gather information on units that had already been officially inspected as a result of code complaints. Those that had not been inspected were examined in a field study conducted by CAUR personnel.

The field survey involved an examination of the items listed on the housing code inspection form used by the city of Omaha in accordance with Chapter 48 of the Omaha Municipal Code which relates to minimum dwelling standards (MDS). These included: the egress and sidewalk, terrace steps, porch steps, porch, exterior walls, basement entry, windows, doors, basement screens, and screens and storm. They also included the eaves, roof, gutters, downspouts, drains, any accessory building, garage, fence, foundation, and chimney.

The exteriors of the housing units were inspected for these items employing a walk-by, visual assessment to determine whether the condition of each item was in violation of city housing codes. Violations that were observed were further assessed as either minor or substantial violations.

Since the foundation, exterior walls, and roof are more critical to the basic soundness of the structure, ratings on these items were weighted by a factor of 2.

If no violation was found, the score was 0, a minor violation was rated 1, and a substantial violation received a 2. After a total score (V) was computed, each
The range of scores was from 7.2 for the units north of Dodge and over two-fifths (41 percent) of the units were in fair or worse condition, and 17 percent were in fair condition, 17 percent or 13 were in good condition, 17 percent or 13 were in fair or worse condition, and almost one-fifth (20 percent) of the units were in poor condition.

The frequency distribution of (V) scores is presented in Table 2.3 Almost one-fifth (19 percent) of the units had no apparent exterior code violations. Over one-fourth (26 percent) had only one minor violation, and over two-fifths (41 percent) had two or more minor violations. On the other hand, almost one-third (29 percent) of the units had a score of 10.0 or more, and almost one-fifth (19 percent) had a score of 15.0 or more. The range of scores was from 0 to 15.0. The mean score of 7.3 for all units fell in the fair category. The median score for all units was 8.5.

Finally, investigation of the distribution of code violations relative to each of the 20 exterior items showed that features "other than the dwelling" (inclusive of the egress/sidewalk, terrace steps, window, and fence) accounted for a lower proportion of the observed violations than expected, based on the total number of exterior dwelling items. While nonwondwelling unit items accounted for 25 percent of the categories, only 7.5 percent of the total number of violations were observed in these categories.

The examination of exterior conditions showed that about one-fifth (21 percent) of the units were in very poor condition, 12 percent were in poor condition, 17 percent were in fair condition, and about one-third (31 percent) were in poor or worse condition. If the above relationship between interior and exterior conditions holds true, a fair estimate would be that about one-third of the units studied are below minimum health and decency standards. This estimate seems justified for several reasons.

First, about one-third of the units were rated as being in poor or very poor condition and had sufficient exterior code problems to warrant serious consideration of their classification as substandard, based solely on exterior condition.

Second, one-third of the units were in the fair or worse categories. One such (17 percent) of the units were rated as fair, and undoubtedly some of these units would have serious internal violations (such as faulty wiring or plumbing) which would justify their classification as below minimum standards. This estimate is also supported by the fact that 80 percent of the units were east of 42nd Street and therefore were more likely to have problems with outdated wiring and plumbing due to the older age of the housing in the inner city. In addition, a certain number of the units rated as excellent or good externally would probably also have some serious internal problems.

Third, the number of possible internal violations (37), as shown on the city inspection forms and as listed in Table 1, exceeded the number of external violation categories. While major internal violations are the most common reason for a unit being declared unfit and substandard, an ongoing history of non-compliance for an excessive number of total violations can also be cause for designating a dwelling as below minimum health and decency standards. Indeed, six of the seven cases found in the code complaint files had a greater number of internal than external violations. The large number of possible internal violations, along with external violations, increases the likelihood that this would be the case for a certain number of the units studied.

Fourth, a wide range of other health and safety requirements might provide the grounds for declaring a unit as unfit.
1) How many GA eligibles (including recipients) are currently living in housing that is below minimum health and decency standards?

2) Is alternative housing that meets eligibility requirements available at a cost that low-income, GA eligibles can afford?

At present the potential impact of actively enforcing such policies is uncertain because the number of eligible and recipient persons living in substandard housing is unknown. Should one-third of all GA eligibles be found to be living in housing that is below minimum health and decency standards, as estimated for the sample population in this study, large numbers of eligible low-income people could, as a matter of policy, be denied general assistance. Should only one-half this amount, or even only 10 percent, be in substandard housing, large numbers of low-income persons might not receive needed assistance because of poor housing conditions that might be beyond their control. In this case, the possibility exists that a sufficient supply of decent and affordable housing may not be available for those who are otherwise eligible for GA assistance.

Clearly, obtaining the answers to these two questions should precede the strict enforcement or permanent codification of Douglas County Interim Regulation 28:501, in order adequately to determine the consequences.

1 For the seven cases found in the code complaint files, interior as well as exterior violations were indicated; however, the severity (minor or substantial) of violations was not noted. These units were categorized based on the total number of outstanding violations with 1.0 point assigned for each. More interior than exterior violations were found in six of the seven cases, and one of the units had been declared unfit for occupancy.

2 The distribution of scores is for the 69 units rated in the field and does not include those found in code complaint files.