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**THE CENTER FOR APPLIED URBAN RESEARCH
AT THE
UNIVERSITY OF NEBRASKA AT OMAHA**



**LEGAL AID CLIENTS WITH
GENERAL ASSISTANCE PROBLEMS:
A STUDY OF HOUSING CONDITIONS**

by
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LEGAL AID CLIENTS WITH GENERAL ASSISTANCE PROBLEMS:
A STUDY OF HOUSING CONDITIONS

Introduction/Purpose of the Study

The Omaha Legal Aid Society contacted the Center for Applied Urban Research to help assess the housing conditions of clients who had applied for legal aid with a Douglas County general assistance (GA) problem within the past 18 months. Legal Aid wanted to know what proportion of these clients were living in housing that was below minimum health and decency standards.

Eligibility requirements for Douglas County general assistance payments include criteria to insure the maintenance of health and decency standards for the housing of the clients. As part of the interim regulations, clients are required to live in housing that is in compliance with applicable health and housing codes. While the establishment of housing standards is desirable, there is concern that the new regulations will have undesirable results for people requiring assistance.

According to staff attorneys of the Omaha Legal Aid Society, these regulations may allow Douglas County to withhold or discontinue assistance to needy households because of poor housing conditions. Certain sections of the interim regulations (28:501) may, in effect, penalize the poor for living in poor housing. The potential impact of actively enforcing such poli-

cies is uncertain because the number of eligible and recipient persons living in below standard housing is unknown. An additional concern is that these policies may be pursued without adequate consideration as to the availability of affordable, alternative housing that meets eligibility requirements.

Legal Aid representatives indicated that the results of a housing conditions study would be useful in estimating the impact that interim regulation enforcement could have on their clientele and the overall population eligible for general assistance.

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:

Egress/Sidewalk	Eaves
Terrace Steps	Roof
Porch Steps	Gutters
Porch	Downspouts
Walls, Exterior	Drain/Grade
Basement Entry	Accessory Building
Windows	Garage
Doors	Fence
Screens, Basement	Foundation
Screens/Storms	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 unit was then categorized as being in either excellent-good, fair, poor, or very poor condition. The range of V-scores and their equivalent condition ratings are shown below.

Score	Condition Rating
0 - 5	Excellent-Good
6 - 9	Fair
10 - 14	Poor
15+	Very Poor

Results

Of the 76 units examined, 80 percent or 61 were in the inner city, that is, east of 42nd Street, 18 percent or 14 were between 42nd and 72nd Streets, and 1 percent (one unit) was west of 72nd Street. About two-thirds (68 percent) of the units were north and one third south of Dodge Street. Code complaints had been made against seven of the housing units (9 percent) on the list and were in the city's active code complaint file.¹

As shown in Table 1, one-half of the 76 units were rated as being in excellent-good condition, 17 percent or 13 were in fair condition, 12 percent or nine were poor, and 21 percent or sixteen were very poor.

TABLE 1

Housing Condition Ratings of Legal Aid Clients

Condition Rating	North of Dodge		South of Dodge		Total	
	N	%	N	%	N	%
Excellent-good	26	50	12	50	38	50
Fair	9	17	4	17	13	17
Poor	7	13	2	8	9	12
Very poor	<u>10</u>	<u>19</u>	<u>6</u>	<u>25</u>	<u>16</u>	<u>21</u>
Total	52	99*	24	100	76	100

*Does not equal 100% due to rounding.

Housing conditions north and south of Dodge Street showed a similar distribution. In the north, 50 percent of the dwellings were rated as excellent-good, 17 percent were fair, 13 percent were poor, and 19 percent were very poor. South of Dodge, 50 percent were in excellent-good condition, 19 percent were fair, 8 percent were poor, and 25 percent were very poor.

The frequency distribution of the total score for each housing unit rated is presented in Table 2 and Graph A.² Almost one-fifth (19 percent) of the units had no apparent exterior code violations. Over one-fourth (26 percent) had none or only one minor violation, and over two-fifths (41 percent) had two minor or one substantial violation(s) or fewer. 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 34.0. The mean score of 7.3 for all units fell in the fair category. The mean was 7.2 for the units north of Dodge and 7.7 for those to the south. The median score for all units was 3.5.

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, accessory building, garage, and fence) accounted for a lower proportion of the observed violations than expected, based on the total number of exterior dwelling items. While non-dwelling unit items accounted for 25 percent of the categories, only 7.5 percent of the total number of violations were observed in these categories.

Analysis

According to officials of the Omaha Housing and Community Development Department, which is responsible for code enforcement, no standard or set number of violations exists that would result in a dwelling being classified as below minimum

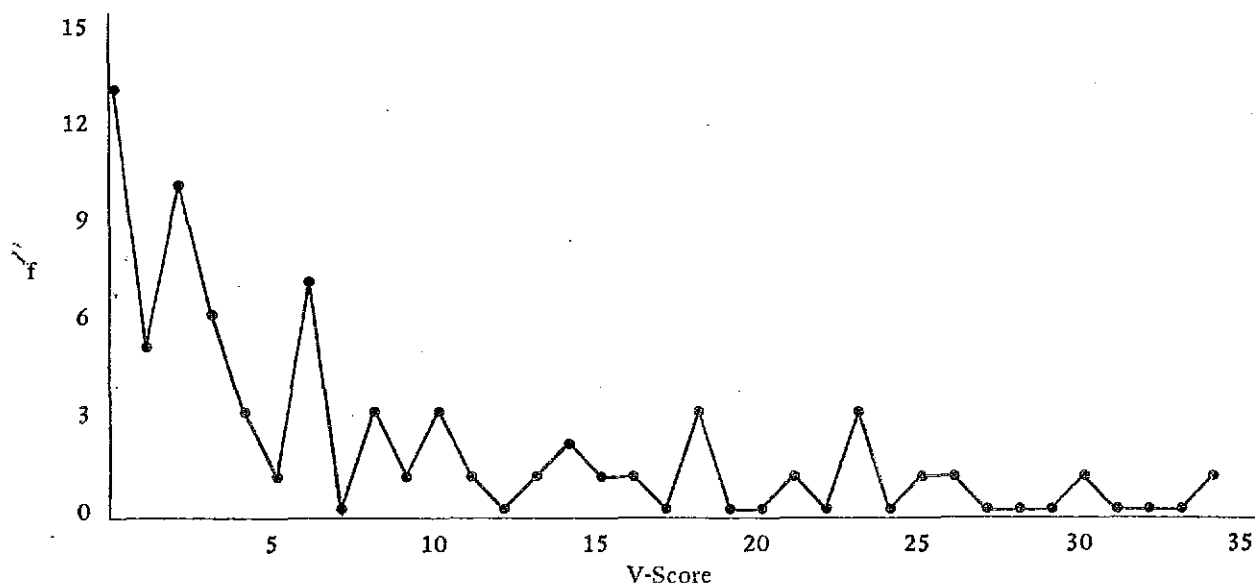
TABLE 2

Frequency Distribution (f) of Code Violation Scores

V-Score	f	f x V
0	13	0
1	5	5
2	10	20
3	6	18
4	3	12
5	1	5
6	7	42
7	0	0
8	3	24
9	1	9
10	3	30
11	1	11
12	0	0
13	1	13
14	2	28
15	1	15
16	1	16
17	0	0
18	3	54
19	0	0
20	0	0
21	1	21
22	0	0
23	3	69
24	0	0
25	1	25
26	1	26
27	0	0
28	0	0
29	0	0
30	1	30
31	0	0
32	0	0
33	0	0
34	1	34
	<hr/> N=69	<hr/> f(V)=507

GRAPH A

FREQUENCY DISTRIBUTION OF CODE VIOLATION SCORES



health and decency standards. According to Richard Cottage, manager of the Housing and Rehabilitation Division, "The decision as to whether or not to classify a structure as below minimum health and decency standards, based on the physical condition of the structure, is a judgment made by the inspector in the field." Cottage went on to say, "The most common major violations which would result in a residence being declared unfit and substandard are major interior items such as plumbing or electrical wiring, or an ongoing history of non-compliance of numerous code violations." On the relationship between interior and exterior violations Cottage stated, "While one cannot be certain 100 percent of the time, it generally holds true that, when numerous external violations are present, serious internal code violations will also be present. The greater the number of violations present on the outside, the greater the probability that serious internal violations also exist."

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, and 17 percent were in fair condition. Thus, one-half (50 percent) of the units were in fair or worse condition, and about one-third (33 percent) were in poor or worse condition.

Given that the above relationship between interior and exterior conditions holds true, a fair estimate would be that about one-third of the units studied were 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 external condition and had sufficient external code problems to warrant serious consideration of their classification as substandard, based solely on exterior condition.

Second, one-half of the units were in the fair or worse categories. One-sixth (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 being 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 (see Appendix), 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 for habitation. Inclusion of these requirements, as offered by the Douglas County Health Department and the Omaha Fire Department, might very well increase the percentage of units estimated to be below minimum standards.

Implications/Conclusions

Approximately one-third of the clients who applied for legal aid regarding a GA problem within the last 18 months were estimated to be living in housing below minimum health and decency standards. This has serious implications for the Legal Aid Society and possibly a large segment of the GA recipient population and others who are also eligible for assistance.

To date, no Legal Aid clients have been denied GA payments as a result of the interim regulations concerning minimum dwelling standards that became effective in July, 1983. Should strict enforcement of these regulations occur, the Legal Aid Society should anticipate an increase in the total number of assistance requests from GA applicants and recipient clients, or, at a minimum, a shift in emphasis to problems relating to this issue.

Due to the small sample size and the fact that clients who apply to Legal Aid for assistance may not be representative of all GA eligibles, the results of the study are not necessarily generalizable to the populations of those eligible for and/or currently receiving GA. Nevertheless, the study does provide some evidence that serious problems may occur for substantial numbers of GA eligibles should these interim regulations be strictly enforced. This study raises two critical questions regarding the effects of the Douglas County interim regulations 28:501 on GA eligibles.

- 1) How many GA eligibles (including recipients) are currently living in housing that is below minimum health and decency standards?

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, substantial numbers of low-income persons might not receive needed assistance because of poor housing conditions that might be beyond their control.

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

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.

FOOTNOTES

¹For 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.

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

APPENDIX

CITY OF OMAHA
 PLANNING DEPARTMENT
 Housing & Community Development Division
 Code Enforcement Section
 Chapter 48 Minimum Dwelling Standards

INTERIOR	Item Code Section	Required Action	Remarks
1. Floors	131-132		
2. Interior Walls	131-132		
3. Ceilings	131-132		
4. Windows	131-133		
5. Doors	131-133		
6. Ventilation	131-113		
7. Stairway	131-134		
8. Floor, Bathroom	131-136		
9. Fireplace	131-132		
10. Chimney, Interior	131-132		
11. Wiring	111-115		
12. Switches	111-115		
13. Outlets	111-115		
14. Fixtures, Lighting	111-115		
15. Fixtures, Hall or Stairs	111-119		
16. Heating Facilities	111-116		
17. Flues/Vents	111-116		
18. Heating Accessories	111-116		
19. Water Heater	91-98		
20. Supply Lines	131-135		
21. Waste Lines	131-135		
22. Mechanical Vent	131-137		
23. Plumbing Maintenance	177		
24. Kitchen Sink	91-92		
25. Water Closet	91-93		
26. Lavatory	91-93		
27. Bath/Shower	91-94		
28. Water, Hot/Cold	91-95		
29. Foundation, Interior	131-132		
30. Clean - Up, Owner	171		
31. Clean - Up, Occupant	172		
32. Disposal, Rubbish	173		
33. Disposal, Garbage	174		
34. Rodents, Insects	176		
35. Floor Space	151-152		
36. Sleeping Area	151-153		
37. Range, Refrigerator	137		

MISC/HEALTH HAZARDS/OTHER:

Dictated by _____

Date _____

Title Req. by _____

Date _____

Compliance _____ Noncompliance _____

Days to Repair _____

Reinspection _____

Inspector _____ Date _____

