

1978

Housing Regulation Review and Analysis. West Palm Beach, FL

Area Planning Board of Palm Beach County

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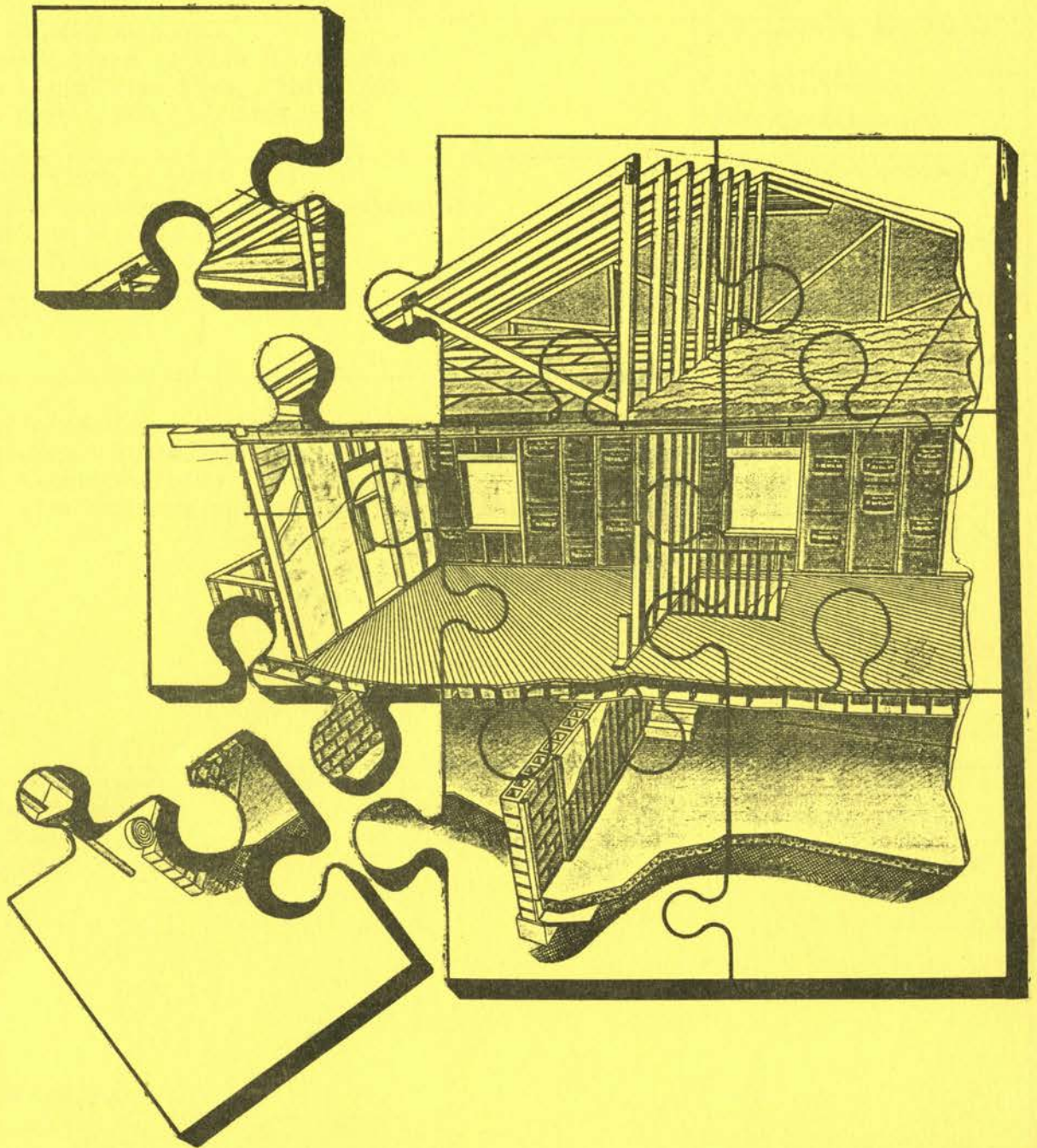
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HOUSING REGULATION REVIEW AND ANALYSIS



1978



**AREA PLANNING BOARD
OF PALM BEACH COUNTY**

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HOUSING REGULATION REVIEW AND ANALYSIS

Prepared By

THE AREA PLANNING BOARD OF PALM BEACH COUNTY

June, 1978

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The comments and suggestions of these individuals provided great assistance in producing a study which clarifies the often confusing area of housing regulation. It is the activities of individuals like these that help to improve the housing situation within Palm Beach County.

INTRODUCTION

This report assesses the present housing regulation situation within Palm Beach County. The term housing regulation, throughout this study, will refer to the regulatory controls of a political jurisdiction over the construction, occupancy, and maintenance of a dwelling unit. The focus on housing regulation in this report will be specifically on building and housing codes used within Palm Beach County.

The basic purpose of this report is to acquaint the individual citizen with the general concepts embodied in housing regulatory codes and to analyze their use within Palm Beach County. This study contains a general discussion of the definitions and characteristics of housing regulatory controls. It investigates the types of building and housing codes presently in use by the local governments within Palm Beach County and reviews local, county, and state activities in improving the housing regulatory situation in the County.

Further, the possibility of utilizing an applicable housing and building code areawide through local government policies and planning activities is examined. Where feasible, recommendations are made regarding code modification to allow for more flexible interpretations which encourage innovative housing designs and building techniques in order to reduce costs and conserve energy.

BUILDING CODE CONCEPTS

A building code is a set of criteria and procedures designed to cover all aspects of construction. The term building code will be referred to in this study in the most general sense so as to include related ordinances such as plumbing and electrical codes. Building codes provide a mechanism to governments which generally regulates the design, erection, construction, alteration, equipment, conversion, repair, maintenance, moving, removal, demolition, use, and occupancy of structures.

The main purpose of a building code is to provide minimum requirements to safeguard life, health and public welfare and the protection of property as it relates to these safeguards by regulation and controlling the building process. Thus, the building code system must thus serve multiple goals in its effort to safeguard the public's welfare.

The ability of building codes to achieve these goals is inherent in the establishment of standards and/or specifications. Standards are the backbone of building code authority. They establish the criteria that construction must reach if minimum levels of public health and safety are to be achieved. Specifications are more explicit than performance standards for they precisely prescribe the materials and methods which may be used. In many codes, performance standards are expressed as specifications; the rationale behind this is that when specific criteria (eg, 2"x4" at 16" spacing) is outlined compliance, and therefore enforcement, tends to be easier.¹

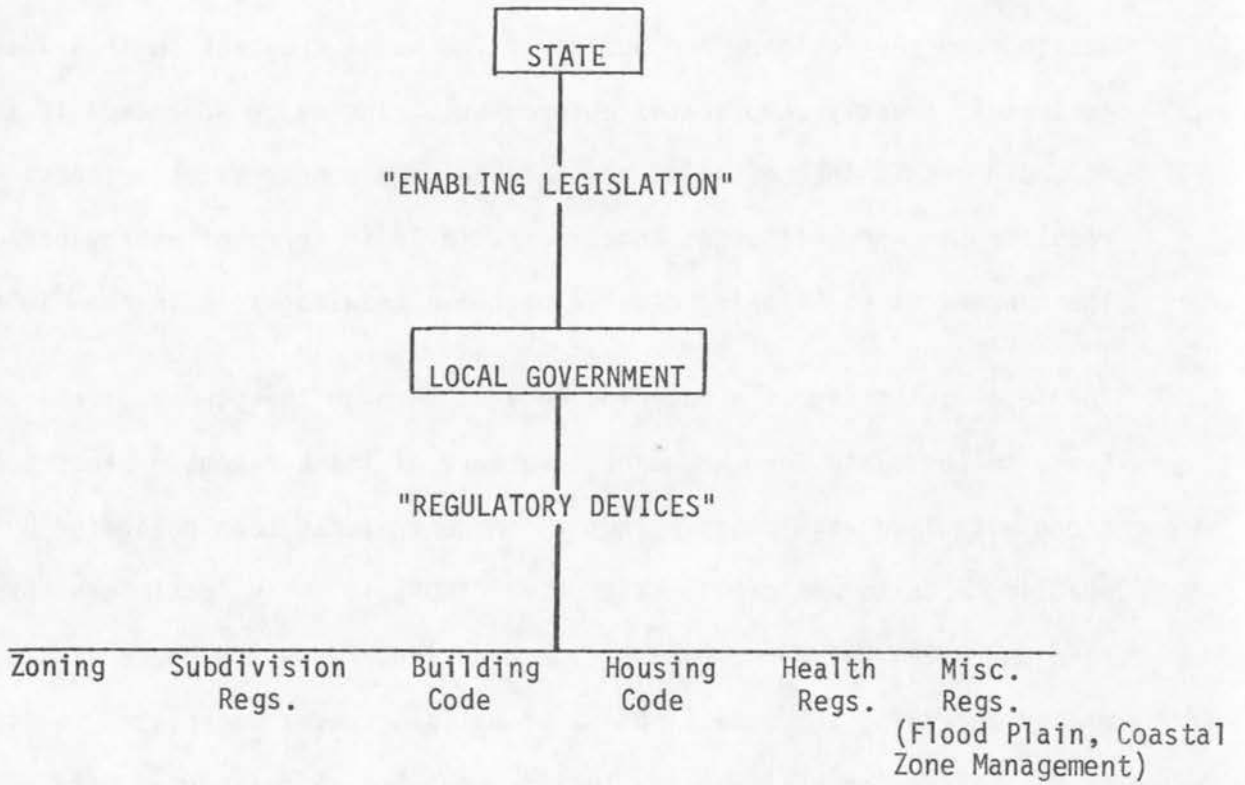
A more progressive approach to regulation of construction has been expounded in recent years. This approach establishes a minimum requirement

for construction (i.e., walls must withstand a stress of "X" force) and does not outline what materials or methods should be used. The philosophy underlying this concept is that it would reduce specific regulation of the construction industry, allow flexibility in use of new materials and methods while still ensuring public safety. The system only establishes reference marks for product performance and not specifications, leaving latitude to the designer and builder. The major drawback to this idea is that it greatly complicates enforcement. The major advantage is that it could result in the use of new material and construction methods resulting in more efficient homes, especially in terms of energy conservation. The concept is still being debated by those knowledgeable in the field.²

The legal authority of a building code is through the powers of the State to legislate for the general welfare of its citizens.³ This power along with land regulatory authority in general has been delegated by enabling acts to municipal bodies (See FIGURE 1). The local level has been the principal force behind code adoption. When the power of decision making regarding the establishment of building codes was placed in local hands, nationwide building regulations soon became fragmented with massive variations, reflecting pressures exerted by local interest groups. This resulted in over 5,000 different building codes in use in 1970 throughout the United States.⁴ Plainly, some measure of local variation in building codes is justifiable, but this type of extreme diversity forced several states, including Florida, to enact legislation specifying that nationally accepted model codes must be used at the local level.

FIGURE 1

Land Regulatory Process



It should be clarified that uniformity in basic construction requirements is not only reasonable but highly desirable. It permits cost savings to both the public and private sectors and greatly simplifies construction problems. In addition, uniform codes are also easier to administer. This does not preclude local variation in building codes, but that can be more expediently accomplished through code amendments or specific local ordinances to reflect community desires.

Housing costs are significantly impacted by government regulations. It is conservatively estimated that less restrictive governmental regulatory procedures could permit a three percent savings in housing costs.⁵ In 1975, when residential construction in Palm Beach County amounted to almost eight million dollars, such a reduction would have amounted to a quarter million dollars savings for home buyers. The added cost of increased or restrictive governmental regulation has also had an adverse impact on the availability of low-income housing. This has resulted in even more pressure on the public sector to provide housing for less affluent families, causing public costs to keep increasing.

A building code can be generally divided into three sections covering administration and enforcement procedures, definition of terms, and standards or specifications. They outline the procedures and criteria under which construction is regulated.

The history of building codes is nearly as old as civilization itself, with origins traced back to the ancient Middle East. In America, the first laws governing structures were established in Boston in 1652.⁶ However, it was not until modern times that construction regulation flourished. Over the years, numerous laws governing buildings have been haphazardly passed by cities and states as the need arose; but, it was

not until the Housing Act of 1934 and its accompanying FHA programs that building codes were nationally accepted. These federal programs resulted in the establishment of new federal construction criteria and stimulated improvement in existing regulatory codes. During this time, several industry groups initiated efforts to develop a set of widely recognized standards for construction. Their activities resulted in the development of model building codes. These codes defined national or regional standards for construction and although they themselves had no legal regulatory authority, they could be adopted by local governments.

The existence of these codes eliminated the need for each jurisdiction to develop its own unique code, since all that local governments needed to do was adopt a model code and amend it to suit local needs or desires. Thus, building code fragmentation was slowed and a procedure of updating codes to new technologies established.

The code used throughout Palm Beach County, the Standard Building Code*, was formulated in 1945. Since that time, there have been many updates with the latest revision in 1976.

*Southern Standard Building Code Congress International, Standard Building Code, Birmingham, Alabama, 1976.

BUILDING CODE REGULATIONS IN PALM BEACH COUNTY

In an effort to promote the use of minimum building standards throughout Florida, the Legislature passed the Florida Building Codes Act of 1974. This law was amended in 1977, and is now known as the Florida Building Codes Act.

The intent of the Act is to provide a mechanism for the promulgation, adoption, and enforcement of State minimum building codes which contain standards flexible enough to cover all phases of construction. These standards allow for the reasonable protection of the public safety, health, and general welfare of Florida's residents at a reasonable cost to the consumer, although the State does not guarantee the reasonableness of costs. The Act requires that by January 1, 1979, local governments and state agencies with building construction responsibilities adopt a building code which shall cover all types of construction. The Act also establishes the State Minimum Building Codes, consisting of the Standard Building Code, 1976 edition; the National Building Code, 1976 edition; the Environmentally Planned City of Tomorrow (EPCOT) Code, 1977 edition; the One and Two Family Dwelling Code; and the South Florida Building Code, 1976 edition. Each local government and state agency with building construction regulation responsibilities must adopt one of the State Minimum Building Codes. There are provisions for adopting codes more stringent than those of the State if a need is shown. It is the responsibility of each local municipality and County to enforce the provisions of the adopted code.

The Act also created the State Board of Building Codes and Standards, whose main responsibilities are to review the State Minimum Building Codes periodically and issue advisory opinion with regard to interpretation, enforcement, administration, or modifications by local governments of the State Minimum Building Codes.

In an effort to establish an effective advisory body that would assist local governments with building code programs, as well as bring about conformance to the requirements of the Florida Building Code Act in Palm Beach County, the various building officials and builders associations within the County assisted the State Legislature in enacting special legislation establishing a uniform building code for Palm Beach County's municipalities and unincorporated areas. Currently, this legislation mandates the Standard Building Code, 1976 edition; the Standard Plumbing Code, 1975 edition with 1976 revisions; the National Electrical Code, 1975 edition; and the Standard Mechanical Code, 1976 edition, as the uniform building code for all municipalities and unincorporated areas of Palm Beach County. The Standard Building Code had been used in most of Palm Beach County's municipalities before the passage of the Special Legislation. Under this Act, each governmental unit in the County may adopt ordinances providing addenda to modify the uniform building code to meet local conditions. This can be done only if the standards of this code are not lowered.

In the event of a dispute in the interpretation of the provisions of a local government's building code, the jurisdiction's building inspector, the builder, contractor, owner, architect, or engineer may ask for an opinion from the regional inspector. This inspector is appointed by the

Board of County Commissioners of Palm Beach County for each of the five County's voting districts. An opinion can be reached by a regional inspector only after telephone verification of the opinion with two other regional inspectors. This opinion becomes binding until the case is reviewed by the local Building Board of Appeals of the governmental unit having jurisdiction over the case, should the appeal become necessary. The local Building Board of Appeals must meet within ten days of such appeal. If the dispute is not settled, the case can be brought to Circuit Court by any of the involved parties. The opinion of the Court is final.

In a further effort to enforce the various building, zoning and related codes in unincorporated Palm Beach County, the State Legislature enacted the Codes Enforcement Act, which took effect October 1, 1977. This Act establishes the Code Enforcement Board, whose duty is to rule on any alleged violation brought to it by the appropriate compliance inspector. The Board is composed of seven residents of Palm Beach County appointed by the Board of County Commissioners. The membership of the Board must include a lawyer, an architect, an engineer, a general contractor, a realtor, and two non-professional residents of the unincorporated area. This Board has the power to subpoena alleged violators and witnesses for hearings and can order fines of up to \$500 per day on any violation that is not complied with by a certain date. A certified copy of an order for a fine may be recorded in the public records in the Office of the Clerk of the Circuit Court, and once recorded shall constitute a lien against the lands on which the violation exists. Any aggrieved party may appeal a ruling or order of the Enforcement Board to the Circuit Court of Palm Beach County.

The same Act that established the various building codes for Palm Beach County also instituted the Building Code Advisory Board. This Board is composed of twelve (12) members who represent various building interest in Palm Beach County. The Board's membership includes the five (5) regional building inspectors, five (5) individuals selected from nominees submitted by the Construction Industry Management Council of Palm Beach County, one (1) registered architect nominated by the Palm Beach County Chapter of the American Institute of Architects, and one (1) professional engineer nominated by the Palm Beach County Chapter of the Florida Engineering Society. The members of the Board are appointed for a one year period by the Board of County Commissioners.

The Building Code Advisory Board has several mandated functions. The Board advises local governmental units within the County on the following items:

- 1) How to adopt building code addenda and administer the various codes in Palm Beach County. This function of the Board is served by an addenda subcommittee. This subcommittee can assist local municipalities in establishing an appropriate building code addenda. Recently, this subcommittee's primary emphasis has been the securement of support for the development of a uniform countywide set of amendments to the Standard Building Code.
- 2) Where applicable to unify building code addenda in Palm Beach County. This is also the function of the addenda subcommittee. Its latest activity has been the passage of a Uniform Minimum Countywide Amendment to the Standard Building Code, on December 13, 1977. (See Appendix B for a brief explanation).
- 3) The improvement of building inspections. This function is performed by an inspection subcommittee. This subcommittee attempts to inform municipalities of procedures for establishing a quality building

inspection program. It also outlines the qualifications that a local government should look for when it hires a building inspector. In addition, the subcommittee will serve as a mediator when complaints are raised against a building official.

- 4) To prevent the recurrence of disputes. This is the function of a dispute subcommittee. It handles any complaints with regards to the administration of local building codes.
- 5) The review of alternative construction products that may be acceptable for use in Palm Beach County. This function is the responsibility of a product approval subcommittee. This group establishes guidelines for the determination of a construction product's acceptability under existing codes. The Building Code Advisory Board is currently assuming the responsibility for product approval on a voluntary basis. Its ability to carry out this mandated function should improve once a countywide addenda is adopted by all governments. At that time, the Board's decisions on products will be applicable Countywide.
(For product approval application procedure, see Appendix C).

For further information on the Building Code Advisory Board, contact your local building official or call the Board's office at 810 Datura, West Palm Beach (655-9500).

BUILDING CODE USAGE IN PALM BEACH COUNTY

There are thirty-seven (37) municipalities in Palm Beach County. Each one has the legal authority, except as constrained by State law, to enact building regulatory ordinances in order to protect the general welfare of its citizens. The level of building code usage by local governments in Palm Beach County was documented by a survey conducted by the Area Planning Board.

State law as noted previously mandates the use of model building codes by all political jurisdictions in Florida. The 1976 edition of the Standard Building Code is in use exclusively throughout Palm Beach County; thus, only amendments to it were investigated.

The results of the Area Planning Board survey are presented in Table 1. The pertinent observation revealed by this table is that the majority of municipalities in the County do have amendments to the Standard Building Code. There are twenty-eight municipalities which had building code amendments. Seventeen of them utilized the amendments of other jurisdictions; seven used County amendments and ten used those of West Palm Beach. The remaining eleven governments had developed their own amendments. All of these amendments are somewhat lengthy documents covering administrative procedures and unique situations in the municipality which warrant a change or addition to the model code. However, in context these amendments are similar enough where it could be possible to develop a single addenda for the entire County.

TABLE 1
MUNICIPALITIES UTILIZING A BUILDING CODE
IN PALM BEACH COUNTY

| | STANDARD BUILDING CODE | AMENDMENTS TO STANDARD BUILDING CODE |
|----------------------|---------------------------|---|
| Atlantis | YES | YES |
| Belle Glade | YES | YES |
| Boca Raton | YES | YES |
| Boynton Beach | YES | YES |
| Briny Breezes | YES | NO |
| Cloud Lake | YES | YES |
| Delray Beach | YES | YES |
| Glen Ridge | YES | NO |
| Golf | YES | NO |
| Golfview | YES | NO |
| Greenacres City | YES | YES |
| Gulf Stream | YES | NO |
| Haverhill | YES | YES |
| Highland Beach | YES | YES |
| Hypoluxo | YES | YES |
| Juno Beach | YES | YES |
| Jupiter | YES | YES |
| Jupiter Inlet Colony | YES | NO |
| Lake Clarke Shores | YES | YES |
| Lake Park | YES | YES |
| Lake Worth | YES | YES |
| Lantana | YES | YES |
| Manalapan | YES | YES |
| Mangonia Park | YES | YES |
| North Palm Beach | YES | YES |
| Ocean Ridge | YES | NO |
| Pahokee | YES | YES |
| Palm Beach | YES | YES |
| Palm Beach Gardens | YES | YES |
| Palm Beach Shores | YES | YES |
| Palm Springs | YES | YES |
| Riviera Beach | YES | YES |
| Royal Palm Beach | YES | YES |
| South Bay | YES | NO |
| South Palm Beach | YES | NO |
| Tequesta | YES | YES |
| West Palm Beach | YES | YES |

SOURCE: Area Planning Board Survey, 1978.

HOUSING CODE CONCEPTS

A housing code is an ordinance which establishes criteria relating principally to the use, maintenance, and occupancy of existing residential dwelling units. This code, which relates to existing residential structures, should not be confused with a building code, which pertains to the construction of dwelling units.

It has been noted that there is generally a low level of acceptance and understanding of housing codes in the United States.⁷ A housing code is an essential tool identifying standards of maintenance for residential structures and requirements to bring nonstandard structures into conformance with the code. It documents basic minimum standards widely recognized as essential for safe and healthful living. These standards are the minimum requirements under which any residential occupancy should be governed. Housing codes can be construed as legal tools which provide local governments with a mechanism to assure that the quality of existing residential structures is maintained and housing decay is prevented.

The origin of housing codes is generally believed to be the attempts of local government to cope with housing condition problems. It was not until the Housing Act of 1954, however, that local governments were encouraged by federal funding incentives to regulate the condition of existing residential structures. The requirements of this Act forced all local governments seeking urban renewal funds to adopt a local housing code in order to ensure that a workable program for community improvement was instituted at the local level. Up until this time only about one hundred cities in the United States had housing codes. However,

by 1968, over 5,000 cities had adopted some type of regulation pertaining to the maintenance of existing housing.

This great increase was most likely due to the funding incentives for code-enforcement provided by the Housing Act of 1965.⁸ Since that time other national legislation, especially the institution of the Community Development Block Grant (CDBG) Program, has continued to spur on the development of housing codes. However, even today, the benefits of housing codes are often not understood and not all local governments make attempts to adopt such regulatory devices. The lack of such codes could prove to be a barrier for the implementation of local Housing Assistance Plans (HAPs).

Where housing codes have been adopted, their legal ability to establish minimum standards for existing residential structures has enabled local governments to more easily carry out community improvement activities. These codes, although not normally required in all national housing programs, allow local governments the opportunity to maintain and improve the quality of their residential neighborhoods.

Many local governments, especially those that have the proper staff expertise, have developed local housing codes. In recent times many of the codes enacted for local use have been adaptations of model ordinances developed and periodically updated by interested industry associations.

There exist several model housing codes which have been widely accepted throughout the United States. In the southern part of the country, one

widely used regulatory ordinance is the Standard Housing Code.^{*} This code is generally recognized to be characteristic of a good housing regulatory device for local governments. It will be briefly discussed here in order to acquaint the reader with the characteristics of a housing code.

The Standard Housing Code generally contains three major sections. These sections normally refer to the administrative procedures of the code, word definitions, and minimum standards for equipment and facilities.

The administration part of a housing code outlines the rules, regulations, policies, and positions under which the code will operate. Often included in this section are the scope of the code (what it will regulate), its organization, the powers of its enforcement office, and the inspection procedure including appeals, adjustments, hardships, violations and penalties.

The definitions section simply notes the meaning of certain important words used in the code. The following was extracted from the Standard Housing Code as an example:

"DWELLING UNITS shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating whether or not such unit is occupied or vacant."

The section dealing with minimum standards defines the minimum requirements deemed essential for public health and safety in an existing structure.

^{*}Southern Standard Building Code Congress International, Standard Housing Code, Birmingham, Alabama, 1973.

These requirements generally cover lighting, ventilation, electrical systems, the exterior and interior condition of a structure, dwelling space, sanitation, base equipment and facilities. In addition to these points, amendments can be added to codes in order to define some special concern of a local government not covered adequately enough in the housing code. More often, however, model housing codes are adopted in total with no amendments or in a form that uses the concepts of a model code.

HOUSING CODE REGULATIONS IN PALM BEACH COUNTY

Housing codes are not in general use in Palm Beach County and only fourteen (14) municipalities in Palm Beach County have housing codes. Most of these codes are modeled after the Standard Housing Code. On February 7, 1978, the Palm Beach County Board of County Commissioners approved a housing code for the unincorporated portion of the County. The code is aimed at improving or removing the County's dilapidated and unsafe housing, and will force owners of these houses to either bring the dwelling up to the requirements of the code or demolish it. The code also pertains to upkeep of yards. This code, as in many of the housing codes in existence within Palm Beach County, is enforced by the Building Official. Any ruling pertaining to alleged housing violations of the Building Official can be appealed to the Building Board of Appeals. Violations are subject to a fine of \$500 or imprisonment in the county jail not to exceed 60 days or both. Civil action may also be instituted.

Also, at this time, several local governments that have housing codes are in the process of updating them.

HOUSING CODE USAGE IN PALM BEACH COUNTY

There are thirty-seven (37) municipalities in Palm Beach County. Each one has the legal authority, except as within the limits of the State law, to enact housing regulations in order to protect the general welfare of its citizens. This activity of local governments in Palm Beach County was documented by a recent Area Planning Board survey of code usage.

The results of this survey are presented in Table 2. There are eighteen municipalities that have housing codes.

Investigation revealed that of the eighteen municipalities with a housing code, eight had adopted the Standard Housing Code and nine had developed their own housing code. A review of these nine codes revealed that they are very similar to the Standard Housing Code. Generally, these codes were a re-arrangement of the model code with minor changes added to reflect administrative procedures or desired goals of the municipality. The greatest deficiency in these codes, when compared to the model code, was in their lack of electrical system standards.

It is interesting to note that seven of the ten municipalities which had their own code are large and have fulltime staffs which work with the codes. One local government in this group utilizes a fulltime consultant to develop and improve their regulatory ordinances. It appears that the officials in these municipalities are availing themselves of in-house expertise to strengthen their municipal housing regulations. Since all municipalities are required by law to employ a building official, each local government already has the potential administrative groundwork to institute a housing code.

TABLE 2
MUNICIPALITIES UTILIZING A HOUSING CODE
IN PALM BEACH COUNTY

| | HOUSING CODE |
|----------------------|--------------|
| Atlantis | NO |
| Belle Glade | YES |
| Boca Raton | YES |
| Boynton Beach | YES |
| Briny Breezes | NO |
| Cloud Lake | YES |
| Delray Beach | YES |
| Glen Ridge | NO |
| Golf | NO |
| Golfview | NO |
| Greenacres City | YES |
| Gulf Stream | NO |
| Haverhill | NO |
| Highland Beach | YES |
| Hypoluxo | NO |
| Juno Beach | YES |
| Jupiter | YES |
| Jupiter Inlet Colony | NO |
| Lake Clarke Shores | NO |
| Lake Park | YES |
| Lake Worth | YES |
| Lantana | NO |
| Manalapan | NO |
| Mangonia Park | NO |
| North Palm Beach | YES |
| Ocean Ridge | NO |
| Pahokee | YES |
| Palm Beach | NO |
| Palm Beach Gardens | NO |
| Palm Beach Shores | NO |
| Palm Springs | YES |
| Riviera Beach | YES |
| Royal Palm Beach | NO |
| South Bay | YES |
| South Palm Beach | NO |
| Tequesta | YES |
| West Palm Beach | YES |

SOURCE: Area Planning Board Survey, 1978.

CONCLUSIONS

A necessary part of any serious attempt to stop the spread of residential decay and improve the quality of housing within Palm Beach County is housing regulatory codes. A building code that ensures the quality of construction and a housing code that requires sound standards for existing structures are features all local governments should investigate.

The essential observations revealed by this study are that housing regulatory codes should be relatively simple and flexible to allow for variety in housing. To be cost effective, local codes should be uniform and must be updated periodically to reflect any innovations that could facilitate opportunities to improve housing conditions. Although model codes are frequently updated by their author associations, it is up to local governments to institute these revisions. Obsolete codes are of benefit to no one. They prevent the public from profiting from new or improved methods and materials and contribute to the increased cost of a home.

This report has revealed that Palm Beach County is a forerunner in activities to improve its housing regulatory situation. Most of the housing regulatory codes in use within the County have been either recently adopted or updated. In many municipalities, the constant improvement of housing regulatory codes is an on-going process. There are eighteen municipalities that have housing codes and twenty-eight that have amendments to their building code. Thus, although a large majority of municipalities have amendments to their building code, few have adopted ordinances to regulate existing structures. Seventeen municipalities out of the thirty-seven have both a housing code and amendments to their building code.

Besides the adoption of housing regulatory devices, another overwhelming concern is enforcement of housing regulatory codes, for without adequate enforcement even the best code will be ineffective. It is through enforcement that housing regulatory codes operate, for it is only at this stage that government can actively intervene into the housing market for the public's benefit.

The results of this study reveal that several local governments are unaware of the benefits that their jurisdictions could accrue by utilizing housing regulatory ordinances. It is recognized that some municipalities are totally built-up with no open space for construction. Nevertheless, due to the complexities of redevelopment involving remodeling, renovation, and rebuilding of structures, each local government should examine its building code to see if amendments are needed to control such activities. Further, local governments should especially investigate the possibility of adopting a housing code to cover those aspects of housing regulation not provided for in a building code. Codes of this type will help maintain housing quality and greatly help in the enforcement of redevelopment activities.

There are several locally developed housing codes applicable to the needs of this area; most are basically derivatives of the Standard Housing Code. It is recommended that the local governments of Palm Beach County, which do not now have a housing code, investigate the possibility of adopting one applicable to their needs. Enclosed in the Appendix "A" is an example of an adopting ordinance extracted from the Standard Housing Code. Although legal opinion should be obtained before a local government institutes any code, it is provided here merely as a guide in the process.

Based on the findings of this report, it is recommended that each local government within Palm Beach County investigate the need for amending its building code. Since the Standard Building Code was not developed specifically for the

unique situations in the County, specific amendments to local applications are often required. To analyze the unique local situation of course, requires some expertise in construction regulatory codes. This County is fortunate to have a Countywide Building Code Advisory Board which can be helpful to local governments. This year, the Building Code Advisory Board adopted a set of uniform, minimum amendments to the Standard Building Code. These amendments are supported by both public and private groups interested in improving the housing regulatory situation in Palm Beach County. At this time these amendments have been endorsed by the Home Builders Association, the Association of General Contractors, several local building officials, and are in the process of being reviewed by the local chapter of the American Institute of Architects for probable endorsement. It is the recommendation of this study that all the local governments within Palm Beach County adopt these amendments.

Local governments interested in using these housing regulatory devices may wish to review the recommendation set forth in the Regional Comprehensive Development Plan* for Palm Beach County. Many of the concepts expressed in the Housing Element of that document have been used in the preparation of this study.

The burden of institution housing regulatory devices rests, of course, with the local residents of Palm Beach County. It is only with their input that the desires of the people to maintain a quality residential environment can truly be fulfilled. Housing and building codes are basic tools by which the goals

*Area Planning Board of Palm Beach County, Regional Comprehensive Development Plan, West Palm Beach, Florida, 1977.

and objectives of local governments documented in their comprehensive plans can be achieved. Quality housing, sound development, and community improvement can best be supported through local initiatives to enforce community planning policies and good housing and building codes provide local governments such an opportunity.

FOOTNOTES

¹Reaume, Paul and Goodin, Robert (EDS.), "Adopting a Building Code by Reference" Current Municipal Problems Vol. 1 1959-1976 (Chicago, IL: Callaghan and Company, 1977) p. 10.

²Field, Charles and Rivkin, Steven, The Building Code Burden (Lexington, MA: Lexington Books, 1975) p. 37.

³Ibid. p. 33.

⁴Department of Housing and Urban Development (HUD) "The Building Code Dilemma" HUD Challenge, November/December, 1970, p. 21.

⁵Field and Rivkin, The Building Code Burden, p. 10.

⁶HUD, HUD Challenge, p. 22.

⁷Housing and Home Finance Agency, Answers on Codes and Ordinances (Washington, D.C.: U.S. Government Printing Office 1962) p. 2.

⁸Wexler, Harry and Peck, Richard, Housing and Local Government (Lexington, MA: Lexington Books, 1975, p. 57.

APPENDIX A

SUGGESTED OR SAMPLE ADOPTING ORDINANCE

Foreword: This suggested ordinance is offered as a guide in the adoption of minimum housing standards and should not be construed as meeting every local situation. Whereas the basic elements of an adopting ordinance are suggested, local legal assistance in the drafting of any specific legislation is desirable.

In some instances it may be necessary to amend the provisions of the proposed code in order that it may meet specific requirements of the local charter or state statutes. In every instance, care should be exercised to assure that the applicable governing body has the authority to adopt and enforce the proposed code.

ORDINANCE NO. _____

An Ordinance Establishing Minimum Standards Governing the Use, Occupancy and Maintenance of Dwellings, Dwelling Units and Accessory Structures; Establishing Minimum Standards Governing Supplied Utilities and Facilities, and other Physical things and Conditions Essential to make Dwellings Safe, Sanitary, and Fit for Human Habitation; Establishing Minimum Standards Governing the Condition and Maintenance of Dwellings and Accessory Structures; Fixing Certain Responsibilities and Duties of Owners and Occupants of Dwellings; Creating a Housing Board of Adjustments and Appeals and Fixing the Duties and Responsibilities Thereof; Authorizing the Inspection of Dwellings and Accessory Structures and Providing for the Condemnation of all Buildings and Structures Deemed Unfit for Human Habitation and Use; and Fixing Penalties for Violations.

Whereas, within the area of jurisdiction of the (City-County, etc.) of (State) there are or may be dwellings, dwelling units and accessory structures which are unfit for human habitation and use due to inadequate maintenance, obsolescence or abandonment; containing defects which increase the hazards of fire, accident, or other calamities, and which by reason of the lack of maintenance, inadequate ventilation, light and sanitary facilities or other conditions render such dwellings and accessory structures unsafe, unsanitary and dangerous or detrimental to the health, safety, morals, and general welfare of the community; and,

Whereas, experience and accepted national housing surveys have clearly demonstrated that such conditions result in a large measure from improper maintenance, inadequate sanitary facilities, overcrowded conditions in residential occupancies, buildings and premises and from general neighborhood neglect; and,

Whereas, it has now become common knowledge that these conditions can be relieved, in a measure prevented and often eliminated through planned and properly enforced minimum housing standards, resulting thereby in the upgrading of living conditions and an overall enhancement of the general health, safety and welfare of all residents and property owners of the community; and,

Whereas, the Southern Building Code Congress, a non-profit association, has developed and made available a set of minimum housing standards which have been recognized as being acceptable as a model housing code; and,

Whereas, Chapter _____, Section _____ of the General Statutes of the State of _____ provides that such model codes may be adopted by reference;

Now, Therefore Be It Enacted, That,

Section 1. The Southern Standard Housing Code, being particularly the 1973 edition thereof and the whole thereof, save and except such portions as may hereinafter be amended, of which not less than three (3) copies have been and are now filed in the office of the (recorder of the applicable governing body) of the (City-County, etc.) and the same are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this ordinance shall take effect, the provisions therein shall be controlling in the use, maintenance and occupancy of all dwellings, dwelling units and/or structures within the area of jurisdiction of the (City, County, etc.).

Section 2. Nothing in this ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section 3. The invalidity of any section or provision of this ordinance or of the code hereby adopted shall not invalidate other sections or provisions thereof.

Section 4. All ordinances or parts of ordinances in force at the time that this ordinance shall take effect and inconsistent herewith are hereby repealed.

Section 5. This ordinance shall take effect immediately upon passage, the welfare of the (City-County, etc.) requiring it.

Date Approved: _____

Approved: _____

19 _____

Attest: _____

(Chief Executive of Applicable Governing Body)

Date Approved: _____

19 _____

(Recorder or Clerk)

APPENDIX B

PROPOSED COUNTYWIDE AMENDMENTS

The Building Code Advisory Board's major effort has been the development of a set of uniform, minimum amendments to the Standard Building Code. This set of amendments is composed of four separate but interrelated recommendations. One each referring to the Standard Building Code, 1976 Edition, the Standard Plumbing Code, 1975 Edition, the Standard Mechanical Code, 1976 Edition, and the National Electrical Code, 1975 Edition. Collectively referred to as a Uniform, Minimum Countywide Addenda, these code amendments provide for the unification and streamlining of the building regulatory process in Palm Beach County.

Basically, these proposed addenda outline changes in local code programs that attempt to make administration easier. The amendments cover activities from establishing minimum qualifications for building inspectors to denoting the standards and specifications necessary for the construction of a roof. The amendments cover administrative procedures, scheduling of fees and penalties for violations, the conditions of permitting, the procedural requirements for design submission and construction, along with which building activities must be permitted and which are not. The document, further, sets up a procedure for construction product approval.

Currently, the addenda is being sent to all local governments within Palm Beach County. Strong consideration should be given to the adoption of these amendments, since they will institute code modifications that allow for more flexible interpretations, encouraging innovative housing designs and building techniques.

APPENDIX C

APPLICATION PROCEDURE FOR PRODUCT APPROVAL

(Extracted from Uniform, Minimum Countywide Amendment to the Standard Building Code)

Application for approval of any alternate type of construction, material or device shall be made to the Palm Beach County Building Code Advisory Board through its Chairman or his designated representative. The application will be made on a form provided by the Code Advisory Board and will state the purpose, and advantages of the product. If the application is for a type of structure, the application will be accompanied with plans signed, dated, and sealed by a Florida registered engineer or architect together with supporting engineering calculations, signed, dated and sealed by a Florida registered engineer, supporting the design.

If the application is for material or device, the application will be accompanied by such tests, calculations or other proof of the products offered for approval.

The Code Advisory Board may appoint one or more consultants to examine the product. In the case of a master plan of an alternate type of construction, the consultant, shall be a professional engineer, registered in the State of Florida whose principal occupation is structural engineering. In the case of alternate materials or device the consultant will be a recognized authority in his field.

The Code Advisory Board may elect to examine the product through staff, or request an examination and opinion by a consultant, or a nationally recognized testing lab.

The data shall be analyzed and evaluated for meeting the performance standards of the Standard Codes. After receiving an evaluation report, the Code Advisory Board will issue a written recommendation on the appropriateness of any product for

use in Palm Beach County. All decisions shall be forwarded to:

1. Product control file
2. Applicant
3. All building Departments

(d) Fees

A \$200.00 minimum initial filing fee for the examination of the Products System Plan shall be provided by the applicant at the time of application, and shall be considered as a necessary part thereof. However, if the filing and professional review fee exceeds \$200.00, the applicant shall be notified of the estimated cost thereof prior to authorizing further work and the full cost must be paid by the applicant prior to performing further review. Resubmission after unfavorable recommendations will not require an additional initial examination fee to be provided by the applicant, but the applicant shall be required to pay any additional fees charged by the consultant, prior to each necessary report.

(e) Rejection

Applications for product approval rejected during any phase of the investigation procedure shall be returned to the applicant stating the reasons for rejection in writing.

Applicants whose request has been so rejected may exercise his right to appeal as set forth in the Standard Building Code, Section III.

(f) Revocation

At any time during the valid term of a notice of acceptance the approval may be revoked and become null and void for any of the following reasons:

- (1) Non-conformance with the Standard Building Code due to amendments adopted subsequent to the date of notice of acceptance.
- (2) Deviation from the design of record due to change, omission or substitution.
- (3) Use of the product, system or method not within the scope of the notice of acceptance.

- (4) Unsatisfactory performance where subjected to actual conditions.
- (5) Appearance of intolerable effects such as, but not limited to, toxicity when associated with other materials.

Notification of revocation shall be provided to all persons having received the notice of acceptance.

(g) Revision

Approvals revoked for reason (1) or (2) above, shall be considered for re-instatement where the original applicant submits revised drawings, calculations, test reports and all pertinent information to the product control section along with an application requesting revision and the \$25.00 revision fee.

Submittals for revision shall bear the revision date and the impressed seal of Florida registered engineer or architect and shall be processed as a new application.

Where approved, a new notice of acceptance with a new number will be issued with no change in expiration date.

(h) Renewal

Two (2) years from the initial approval date and every two (2) years thereafter, the Advisory Board shall request from the original applicant if the product approval is to be renewed without change. Failure of applicant to respond within thirty (30) calendar days shall cause the product approval to be automatically revoked.

