

Turning a Blind Eye: The Effect of a Lack of Comprehensive Housing Codes in the Rural South

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Abstract

Adequate shelter for everyone is a principle that this country values deeply. As affordable housing becomes an increasingly difficult ambition to maintain, certain factors have been forgotten or ignored to fill this need. These factors include one extremely important component of shelter: environmental health. Currently, these substandard conditions are tied mostly to urban housing where overcrowding is likely to occur. However, inhabitants in rural areas of the south have also been exposed to substandard conditions. One problem is indoor air pollution, which can generally be defined as any chemical, physical, or biological contaminants in the air inside a habitable structure. Multiple studies have shown that U.S. citizens are spending the majority of their time indoors, where indoor air pollution can rise to levels near one hundred times higher than outside. Some studies have even gone as far as projecting that U.S. citizens spend around 90 percent of their time indoors. Historically, rural inhabitants were thought to spend the majority of their time outside of their homes away from these indoor pollutants. However, as the economic climate of the rural south changes, so do the patterns concerning time spent indoors. This is a pressing concern because indoor pollution is estimated to cause thousands of cancer-related deaths and hundreds of thousands of respiratory health problems each year. These individuals that live below the poverty line are exposed to conditions

that can often lead to cancer, asthma, and other disorders. Substandard housing conditions are a definite factor in the increased occurrence of these diseases and disorders in the rural poor. Moreover, these ailments exacerbate healthcare costs and the problems associated with the rural poor and their medical expenses. African Americans in the rural south are disproportionately affected due to the concentration of poverty and de facto segregation in these areas of the south. One way to meet the need for affordable housing, while providing adequate housing conditions, is introducing a method of housing regulation that has not been employed sufficiently in the region. This effective method of comprehensive housing regulation is housing codes, and it will adequately address the two problems of lack of affordable housing and substandard housing conditions.

This article discusses the problem of the substandard living conditions of the rural poor, analyzes how housing codes are implemented, and explains how authority to regulate these codes is distributed between the state and local governments. Moreover, suggestions will be set forth that will effectively address the environmental health concerns of the rural poor in the south.

Introduction

Affordable housing is a major concern in the rural south, but it is not receiving adequate attention from state legislation. A possible reason for the lack of attention from state legislation could be due to the credulous notion that there is a lack of necessity for affordable housing legislation in the rural south. Moreover, there is the prevalent argument that the rural poor do not require as much assistance as their urban counterparts. However, the poverty rates throughout the U.S. for the rural poor are steadily higher than the poverty rates for the urban poor.¹ One study has even determined that approximately 84

¹ DEBRA L. Bassett, *Distancing Rural Poverty*, 13 GEO. J. ON POVERTY L. & POL'Y 3, 30 (2006) (proposing that where race, place, and class overlap in rural poverty, we find exceptionally high and persistent poverty in the most remote, rural areas that are populated by a disproportionate number of minorities).

percent of the counties with poverty rates above the national level are rural.² This means there are higher concentrations of poor inhabitants in rural areas than in urban areas.³ This in turn leads to lack of affordable housing in these rural regions. Generally, the only option offered to this demographic is substandard housing, which compromises their health and increases their healthcare costs. A substantial amount of this substandard housing is harmful due to poor ventilation, poor sanitation, poor indoor air quality, and poor structural integrity. There is a definite problem of substandard living conditions in the rural south.

Housing codes have been one way in which the United States government has combated this epidemic. Due to the success of the Industrial Revolution, there was a period of serious economic growth in the northeast region of the United States.⁴ Along with this economic growth came massive immigration and an enormous need for affordable housing which culminated during the middle of the 18th century.⁵ The federal government noticed the need and modified the way it handled matters of housing in the northeast.⁶ This modification resulted in a drastic change in the way government handled housing matters. However, despite the change that was happening in urban areas, local governments in rural areas handled most of the housing issues until the late 19th century. However, near the end of the same century, the federal government asserted more authority in this area and passed a resolution that investigated regions that could be

² *Id.* at 9.; see U.S. Dep't of Agric., Econ. Res. Servs., Rural Income, Poverty, and Welfare: Rural Poverty, <http://www.ers.usda.gov/briefing/IncomePovertyWelfare/ruralpoverty> (last updated Nov. 10, 2004).

³ Bassett, *supra* note 1.

⁴ CTR. FOR DISEASE CONTROL & PREVENTION, U.S. DEP'T OF HEALTH & HUMAN SERVICES, HEALTHY HOUSING REFERENCE MANUAL (2006), available at http://www.cdc.gov/nceh/publications/books/housing/2006_HHM_FINAL_chapter_01-03.pdf; see, Richard E. Carlton, Richard Landfield & James B. Loken, *Enforcement of Municipal Housing Codes*, 78 HARV. L. REV. 801 (1965).

⁵ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4, at 5.

⁶ *Id.*

considered an overcrowded slum.⁷ This resolution applied only to cities and urban areas with a population of 200,000 or more inhabitants.⁸ Subsequently, this resolution increased the awareness of the unsanitary conditions that these “urban dwellers” were subjected to on an ongoing basis.⁹ This increased awareness for unsanitary living conditions of the poor was also heightened by efforts at the local levels. In the state of New York, a report by the New York Metropolitan Board of Health convinced the New York State legislature to pass the Tenement Housing Act of 1867.¹⁰ This report exposed many of the conditions affecting these inhabitants such as overcrowding, poor ventilation, and defects in the structural integrity of the indoor plumbing.¹¹ These conditions were significant determinants in several diseases and disorders that arose in the area during that time. Outbreaks of deadly diseases such as tuberculosis and cancer, as well as lead poisoning, showed the extent of these poor conditions in New York. This new awareness produced groundbreaking legislation that established new standards for the living conditions of the working poor.

This new legislation further provided for improved ventilation, structural integrity, and sanitation along with reduced crowding in these new apartments.¹² The areas that benefited the most from this new legislation were areas near factories where there were large

⁷ *Id.* at 9.; see, N.Y. MULT. DWELL. LAW § ch. 713, available at http://tenant.net/Other_Laws/MDL/mdltoc.html/(last visited Oct. 19, 2008).

⁸ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4, at 4.

⁹ *Id.*

¹⁰ See The Tenement Housing Act of 1867.

¹¹ *Id.*

¹² David E. Jacobs, Tom Kelly & John Sobolewski, *Linking Public Health, Housing, and Indoor Environmental Policy: Successes and Challenges at Local and Federal Agencies in the United States*, 115 ENVTL. HEALTH PERSPS. 976, available at <http://www.nlada.org/DMS/Documents/1189091840.14/Linking%20Public%20Health%20Housing%20and%20Indoor%20Environmental%20Policy.pdf> (acknowledging the dangers of indoor pollution and the importance of addressing environmental health concerns in the home).

concentrations of slum housing.¹³ These novel public housing initiatives were employed extensively in metropolitan areas with heavy congestion and overcrowding as opposed to their rural counterparts.¹⁴ Rural areas continued to address their housing concerns through the same medium as they had before the Industrial Revolution, through local governments.¹⁵ Because the economy of the rural south was agriculturally based, certain problems, such as overcrowding, were not as serious a concern for the local governments to regulate as it was in the urban areas in the northeast region of the country.¹⁶ Thus, the local governments in rural areas had varying concerns that could not be addressed with sweeping reform on a comprehensive level.¹⁷ Therefore, comprehensive housing regulations sweeping across multiple local jurisdictions were not as desired in the rural south as they were in the northeast region of the United States.

As a result of this new wave of public awareness of environmental health, the conditions of the working populations, consisting of many immigrants and newly freed slaves, began to improve with the economic upturn of the 1920's.¹⁸ New types of apartments, called "garden apartments," began to emerge in bustling cities like New York.¹⁹ These apartments held environmental health soundness concerns to a higher level of priority than before.²⁰ The booming economy of the 1920's was a definite time of growth which was reflected in these apartments.²¹ However, the Great Depression, which completely consumed the next decade, would hinder many of the efforts of the environmental health advocates. Many of the working poor lost their homes and jobs due to the lack of building and loss of financing for mortgages. Moreover, these factors played a

¹³ *Id.*

¹⁴ Bassett, *supra* note 1, at 3-8.

¹⁵ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4, at 78.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4, at 78.

²¹ *Id.*

crucial role in exacerbating legislative efforts to increase awareness of environmental health concerns.

During the Great Depression, the economic ramifications were devastating and the effects were felt in all aspects of American life. Approximately one and a half million homeowners lost their property due to foreclosure and records levels of unemployment.²² As a result, the government had to enact legislation to counter this epic downturn in economic activity.²³ The 1930s would therefore become known as the period that began affordable housing legislation.²⁴ During this era, legislators passed many laws to increase public involvement in housing construction. Two products from the action implemented by the federal government were the National Housing Act of 1934 and the creation of the Federal Housing Administration.²⁵ This act and the federal agency operated as complements to each other and effectively worked to encourage banks and building and loan associations to give loans for the construction of new homes, small businesses, and farms.²⁶ Moreover, the Federal Housing Administration, enabled by more legislation, took control of many areas that were hit the hardest by the economic depression and were considered slums.²⁷ The Federal Housing Administration also gave long-term loans to local governments so they could rebuild and create affordable housing.²⁸ This new financial support from the federal government helped many rural inhabitants improve their homes.²⁹ This new legislation and federal agency, combined with financial support from Congress,

²² *Id.* at 5.

²³ *Id.*

²⁴ *Id.*

²⁵ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4, at 5; The National Housing Act of 1934.

²⁶ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4, at 3-2; Understanding Fannie Mae: Our History. Washington, DC: Fannie Mae; 2005. Available from URL:<http://www.fanniemae.com/aboutfm/understanding/history.jhtml?p=About+Fannie+Mae&s=Understanding+Fannie+Mae&t=Our+History>.

²⁷ *Id.*; The National Housing Act of 1937.

²⁸ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4.

²⁹ *Id.*

regenerated interest and awareness for environmental health concerns in the rural communities in the south.

Despite the gains in affordable housing legislation, the energy crisis of the early 1970s resulted in a relapse that left many homes being built lacking structural soundness.³⁰ This energy crisis changed the way real estate developers built houses, apartments, and other buildings.³¹ The exorbitant price needed in order to control the temperatures of homes produced living spaces that were contaminated with indoor pollutants.³² This major regression in the fight for the improvement of environmental health conditions was devastating to the structural integrity of homes.³³ However, the implementation of housing and building codes was one effort used to counter the effects of this phenomenon.³⁴ State governments adopted housing and building codes improve the health and safety of people living in communities.³⁵ These housing codes have proved to be quite effective in metropolitan areas where they have been put into practice.

Living in substandard housing conditions has had an adverse effect on the health of many residents living without suitable housing codes.³⁶ Lead poisoning, indoor air pollutants, mold infestations, and structural defects are all determinants that can lead to serious injuries or even death for these rural inhabitants.³⁷ Poor health arising from substandard housing conditions is a critical issue that, contrary to popular belief, has yet to be eradicated.³⁸ Annually, indoor air pollutants are estimated to cause thousands of cancer fatalities and hundreds of thousands of respiratory health complications.³⁹

³⁰ *Id.*; U.S. Dep't of Energy, Smart Communities Network, Land Use Planning Guide, <http://www.smartcommunities.ncat.org/landuse/uintro.shtml>.

³¹ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ Jacobs, Kelly, & Sobolewski, *supra* note 12.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

Furthermore, several studies have proven that poor housing conditions negatively affect the health of the residents.⁴⁰

Local, state, and federal governments are ignoring these residents living in rural areas without adequate housing regulation. This is especially true in jurisdictions where the local governments have excessive control and the state governments have none. Environmental housing conditions in these areas continue to be substandard and dangerous to its inhabitants.

This article will analyze the role of local and state governments as to the management of housing codes in rural areas. The first section of this article will entail a description of housing codes and explain how local governments incorporate such codes into their regulation. The second section will discuss the allocation of power between state and local government. Furthermore, the third section will examine the lack of adequate housing codes in the rural south and highlight the health implications that arise from this absence. This section will also discuss how African Americans are disproportionately affected by this lack of sufficient housing codes. Finally, the fourth section will provide a set of recommendations that will address the needs of the rural poor in the south.

I. Housing Codes

Housing codes can best be defined as “environmental health protection codes.”⁴¹ These codes ensure that there are no structural defects and that the overall quality of a living space meets a certain predetermined health and safety standard.⁴² Housing codes generally apply to places where people live.⁴³ Historically, housing codes were

⁴⁰ *Id.*

⁴¹ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4.

⁴² Ezra Rosser, *Rural Housing and Code Enforcement: Navigating Between Values and Housing Types*, 13 GEO. J. POVERTY L. & POL’Y 33 (2006) (discussing how the legal literature on building codes and housing focuses almost entirely on urban development, largely ignoring rural housing conditions and development).

⁴³ *Id.*

only enforced in slum areas where conditions were at their worst.⁴⁴ The Official Code of Georgia defines “slum” to mean “any area comprised predominantly of dwellings which are detrimental to safety, health, and morals by reason of dilapidation; overcrowding; faulty arrangement or design; lack of ventilation, light, or sanitary facilities; or any combination of these factors.”⁴⁵ This broad definition of slum is designed to be flexible to ensure that the environmental health concerns are addressed in the ever-changing climate of real estate where substantial concentrations of poor residents live.

In the spirit of economic efficiency, local governments do not draft their own housing codes.⁴⁶ However, housing codes will generally contain five components regardless of the jurisdiction.⁴⁷ These five sections are “the definitions section, the administrative provisions section, the substantive provisions section, the court and penalty section, and the enabling, conflict, and unconstitutionality clauses section.”⁴⁸ A brief description of each section is provided as a base of reference as to the traditional composition of housing codes. The definitions section describes the meaning of the words used in the housing codes.⁴⁹

The administrative provisions section determines who has the authority to regulate, manage, and enforce the housing code for the jurisdiction.⁵⁰ There are six main elements that require managing: “the reasonable hours of inspections, whether service of violation notices is required, the method of notifying absentee owners or tenants, how to process and conduct hearings, what rules to follow

⁴⁴ *Id.*

⁴⁵ GA. CODE ANN. § 8-3-3 (2008).

⁴⁶ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4; U.S. Department of Housing and Urban Development. Final report of HUD review of model building codes. Washington, DC. Available from URL: <http://www.hud.gov/offices/fheo/disabilities/modelcodes/chapter5.html>.

⁴⁷ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

when a living space is alleged to be unfit for human habitation, and how to occupy or use dwellings once declared unfit.”⁵¹

The substantive provisions section deals with the guidelines and rules that actually make a living space suitable for inhabitants.⁵² Moreover, the court and penalty section specifies the method for judicial recourse when a habitation is declared unfit or substandard. This section also delineates how the court will punish violators of the code.⁵³

Finally, the enabling, conflict, and unconstitutionality clauses section have three different purposes: declaring the effective date of the codes, determining the preference when two codes conflict, and resolving the complication of a housing code with an unconstitutional portion.⁵⁴

As previously stated, local governments do not individually create their own housing codes.⁵⁵ Due to the technical nature of these housing codes, local government officials employ specialists to assist local governments in adopting certain model housing codes.⁵⁶ These specialists help the municipality determine whether certain provisions are not necessary for that particular municipality to implement.⁵⁷ For example, one municipality might need special provisions for flood prevention, while another municipality might not have that concern because of the difference in climates. Even though most housing codes have the same basic structure, in some instances certain provisions will be adapted and vary between jurisdictions.⁵⁸ Local policies, preferences, needs, and cultures all play a role in determining these variations.⁵⁹

⁵¹ *Id.*

⁵² CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4.

⁵⁸ *Id.*

⁵⁹ *Id.*

Building codes play a substantial role in the regulation of housing codes through housing construction.⁶⁰ Housing codes are different from building codes because housing codes pertain to living spaces, while building codes determine the methods and materials that are permissible to use in buildings in general.⁶¹ Since houses and other habitations fall under the definition of buildings, model building codes are pervasive determinants in affordable housing legislation.⁶² Model building codes are adopted in the same way as housing codes are adopted by municipalities because they can both be adapted to the local needs of the particular municipality.⁶³

Historically, various trade organizations published these model building codes for the local governments to access.⁶⁴ Three of the predominant trade organizations were the Southern Building Code Congress International (SBCCI), Building Officials and Code Administrators (BOCA), and the International Conference of Building Officials (ICBO).⁶⁵ All three of these groups have published widely adopted model building codes subject to regional adaptations of the United States.⁶⁶ The SBCCI standard codes were prevalent in the south, the ICBO codes were used widely in the western and mid-western states, and the BOCA codes were dominant in the northeast region.⁶⁷ The use of these three different publications proved to be quite expensive for real estate developers and efforts to combine the publications followed.⁶⁸ In 1994, BOCA, ICBO, and SBCCI formed the International Code Council (ICC) to develop one model construction code publication that was comprehensive and could be used throughout the world.⁶⁹ By 2000, the ICC created a complete set

⁶⁰ Rosser, *supra* note 42, at 33-78; *see* Adoption of Codes, 2008 Ga. Laws ch. 110-11-1, § 2.

⁶¹ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4.

⁶⁷ *Id.*; International Code Council. International Residential Code 2003. Country Club Hills, IL: ICC, 2003.

⁶⁸ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4.

⁶⁹ *Id.*

of “I-Codes” that included model building codes.⁷⁰ Subsequently, this resulted in a great deal of uniformity between the various local governments that adopted these model codes. However, the local governments and municipalities still retained authority to make amendments to suit their specific needs.

Model housing codes have become so popular due to one main reason.⁷¹ Local governments do not possess the resources to develop and tailor these codes to their individual needs.⁷² Acquiring enough specialists in this field can be expensive. Additionally, conducting tests and producing the data to support the reasons behind the more technical codes can be cumbersome.⁷³ Local governments have definite limitations to the resources they can expend on this matter, subsequently implementing model codes is the best solution to this dilemma.⁷⁴

An important aspect of implementing a housing code is the method of enforcement.⁷⁵ Currently, violators are punished through the criminal justice system via fines or, if needed, imprisonment in a correctional facility.⁷⁶ This is the most efficient way that local governments have found to enforce these codes.⁷⁷ These housing codes institute the standards that will determine whether a living space is suitable and safe for inhabitants.⁷⁸ If there were no way of

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4.

⁷⁴ *Id.*

⁷⁵ *Enforcement of Municipal Housing Codes*, 78 HARV. L. REV. 801, 801-30 (1965).

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4. The 2003 International Code Council states “the purpose of this code is to provide minimum requirements to safeguard the public safety, health and general welfare, through affordability, structural strength, means of egress, facilities, stability, sanitation, light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment”.

enforcing this code then violators would have no motivation to correct the errors and the problem would worsen.⁷⁹ Therefore, this method is used to encourage the lessors, the real estate developers, and the homeowners to improve their property and adhere to the standards set forth in the applicable housing code.⁸⁰ This process to force compliance with the housing code can become quite complex.⁸¹ Local governments have limited funds to allocate to code enforcement; as a result many code violations are overlooked or ignored.

Some local governments have failed to implement an effective housing code.⁸² An analysis of these codes shows that there are three main components that must be executed properly in order for a housing code to be successful.⁸³ First, local governments should create an administrative procedure that can adequately detect violations and prosecute individuals who are responsible for the violation.⁸⁴ Second, local governments should make a set of remedies that will properly address the violations and act as a deterrent against future breaches.⁸⁵ Last, local governments should make it more economically efficient to adhere to these codes.⁸⁶ These three elements together have a substantial impact on the success of implementing a housing code.⁸⁷

A productive administrative procedure is needed to combat the confusion that arises from having multiple government agencies regulating the same areas.⁸⁸ Problems such as conducting improper inspections, inspecting the living space multiple times, mishandling the prosecutions of violators, and losing records of cases all lead to inefficiencies in the enforcement of housing codes.⁸⁹ Secondly, an

⁷⁹ *Enforcement of Municipal Housing Codes, supra note 75.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Enforcement of Municipal Housing Codes, supra note 75.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Enforcement of Municipal Housing Codes, supra note 75.*

effective set of remedies is paramount in encouraging violators to improve their premises and to deter new violations.⁹⁰ One study has found that area inspections would be the best method of meeting these two goals.⁹¹ Instead of reacting after a violation occurs, local governments will conduct area inspections thereby acting proactively and inspecting entire areas and recording the violations as they come across them.⁹² Finally, making this system more economically efficient will make it easier for legislators to vote in favor of implementing the housing codes.⁹³ One way to accomplish this goal is to consolidate all the various regulatory agencies into one.⁹⁴ The primary advantage to such consolidations would be that one set of inspectors could inspect the jurisdiction for all code violations and eliminate a lot of unnecessary clerical work.⁹⁵ These three factors are all essential when implementing housing codes because effectively enforcing housing codes are just as important as implementing these housing codes in these rural areas of the south.⁹⁶

II. Allocation of Power

Historically, local governments have handled regulatory matters such as housing in the interest of economic and political efficiency.⁹⁷ Local governments were thought to be in the best position to determine the best ways to address the local needs of the people.⁹⁸ However, despite the fact that these local governments had this power they were still deemed to be “mere creatures, agents, or subdivisions of the states in which they were located.”⁹⁹ Nevertheless, near the beginning of the twentieth century, there was a shift in some

⁹⁰ *Id.*

⁹¹ *Id.* Area inspections is a method where housing inspectors cover a geographic area regardless of whether a complaint has been made.

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Enforcement of Municipal Housing Codes*, *supra* note 75.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ David J. Barron, *Reclaiming Home Rule*, 116 HARV. L. REV. 2255, 2347 (2003).

⁹⁸ *Id.*

⁹⁹ *Id.*

states to give local governments more authority to control certain matters.¹⁰⁰ In these instances, the local governments would be considered legally independent entities given authority through constitutional and statutory provisions.¹⁰¹ This jurisprudence would be classified under the home rule doctrine thus giving authority for local governments to regulate issues of local concern so long as they do not conflict with the state's legislation.¹⁰²

A municipality has the authority to enforce these housing codes through its police power to regulate housing for the well-being of the public.¹⁰³ However, this police power does not exist without limits and boundaries.¹⁰⁴ One way for municipalities to exercise this police power on housing matters is through the sale of real property.¹⁰⁵ "Inspection ordinances" are enacted into law to regulate living spaces through building and fire codes to protect the public at large.¹⁰⁶ Nevertheless, the Due Process Clause of the Federal Constitution places limits on what these local governments can do in the exercise of their police power.¹⁰⁷ Generally, three things must be satisfied in order for housing codes to be constitutional.¹⁰⁸ The municipality must give the owner of the property notice, an opportunity to be heard, and the ability to file an appeal.¹⁰⁹ Therefore, in addition to the state laws that the municipalities must follow, they must also comply with the standards set forth by the United States Constitution.

A county or municipality's authority arising under the home rule doctrine can be derived in two ways.¹¹⁰ The first method would be through a home rule statute executed by the state's legislative

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² Barron, *supra* note 97.

¹⁰³ *Enforcement of Municipal Housing Codes, supra* note 75.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Enforcement of Municipal Housing Codes, supra* note 75.

¹⁰⁹ *Id.*

¹¹⁰ Barron, *supra* note 97.

body, while the second method would be through the state's constitution.¹¹¹ Authority is given to local governments so that they may adopt "clearly reasonable ordinances, resolutions, or regulations relating to its property or affairs."¹¹² This authority creates a narrow window for the local government to exercise their authority on the general public.¹¹³ In addition to the forms in which states grant the home rule doctrine, there are also two basic forms of the home rule doctrine.¹¹⁴ The first type is called the "imperium in imperio" and gives the most authority to the local government.¹¹⁵ Municipalities under this doctrine are almost sovereign jurisdictions within a sovereign state.¹¹⁶ Consequently, states have little authority to interfere in these situations.¹¹⁷ The second type of home rule gives the legislature the power to veto an ordinance enacted by a local government.¹¹⁸ In cases such as this, state legislators could just enact a law that conflicts with a local ordinance thereby making the local ordinance ineffective.¹¹⁹ Therefore, the state constitutions of Alabama, Georgia, and Tennessee will be discussed to examine the different ways states have interpreted the home rule doctrine.

States have developed the home rule doctrine in different ways depending on the state culture and history.¹²⁰ Alabama has an extremely limited form of the home rule doctrine.¹²¹ The Alabama doctrine was deeply affected by a legal doctrine that Iowa Supreme Court Justice John F. Dillon created in the 1860s, which does not give

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ Barron, *supra* note 97.

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ Will Parker, *Still Afraid of "Negro Domination"?: Why County Home Rule Limitations in the Alabama Constitution of 1901 Are Unconstitutional*, 57 ALA. L. REV. 545 (2005).

¹²¹ *Id.*

much authority to the local governments.¹²² Under Dillon’s Rule, local governments generally derive all of their authority from the state legislature, and this power can be taken away at the will of the legislators.¹²³ The state legislature can therefore extend or limit the powers of the municipalities at their discretion.¹²⁴ This doctrine results in local governments being hesitant to effectively implement comprehensive housing regulation because they are in constant fear of stepping on the toes of the state government.¹²⁵ Under this form of home rule, municipalities are basically branches of the state government without much autonomy to regulate their matters of local concern.

However, Georgia has implemented a different form of home rule that does not limit the autonomy of municipalities to the same extent that Alabama does. The State Constitution of Georgia grants more authority to counties and cities; local governments are more than “mere arms of the state.”¹²⁶ They can enact local legislation, ordinances, and laws so long as they do not conflict with state laws and pertain to issues of local interest. These matters generally revolve around the issues such as regulation and adoption of codes for the well being of the general public. Housing codes fall under the umbrella of autonomy over which municipalities in Georgia have authority to legislate. A section of the Official Code of Georgia home rule provision for counties states:

(a) The governing authority of each county shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which is not

¹²² See ALA. CONST. art. IV, § 44 (2005) (provides that the legislative power of this state shall be vested in a legislature, which shall consist of a senate and a house of representatives).

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ Parker, *supra* note 120.

inconsistent with this constitution or any local law applicable thereto. Any such local law shall remain in force and effect until amended or repealed as provided in subparagraph (b). This, however, shall not restrict the authority of the general assembly by general law to further define this power or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify, or supersede any action taken by a county governing authority under this section except as authorized under subparagraph (c) hereof.¹²⁷

This gives local governments the ability to govern their specific areas without the threat of invasive intrusion from the state legislators. Certain matters that require more flexibility benefit from this type of autonomy on the local level. However, this can be a hindrance when the state wants to enact broad legislation covering multiple jurisdictions.

Tennessee's treatment of the home rule doctrine resembles Georgia's doctrine more than Alabama's constitutional provision. However, Tennessee's treatment of the home rule doctrine before 1977 was much more restrictive than it is in the current amended state constitution.¹²⁸ Legislators from Tennessee held a convention in 1977 when they decided, among other things, that the home rule doctrine needed to be extended and that local governments needed more flexibility to be effective.¹²⁹ The legislators voted in favor of the possibility of more autonomy for the counties and decided that these counties could seek a charter from the general assembly and become

¹²⁷ GA. CONST. art. IX, § II, para. I (2008).

¹²⁸ Lewis L. Laska, *The Law of the Land: Tennessee Constitutional Law: The 1977 Limited Constitutional Convention*, 61 TENN. L. REV. 486, 488-90 (1994) (discussing the importance of the 1977 Tennessee Constitutional Convention).

¹²⁹ *Id.*

home rule counties.¹³⁰ This was one of the most influential changes to come from that convention in 1977. One provision from the amended Tennessee Constitution states:

Any municipality after adopting home rule may continue to operate under its existing charter, or amend the same, or adopt and thereafter amend a new charter to provide for its governmental and proprietary powers, duties and functions, and for the form, structure, personnel and organization of its government, provided that no charter provision except with respect to compensation of municipal personnel shall be effective if inconsistent with any general act of the General Assembly and provided further that the power of taxation of such municipality shall not be enlarged or increased except by general act of the General Assembly. The General Assembly shall by general law provide the exclusive methods by which municipalities may be created, merged, consolidated and dissolved and by which municipal boundaries may be altered.¹³¹

This would give the option to the local municipalities to gain home rule status if they followed the proper administrative procedures.¹³² This form of the home rule doctrine allowed for counties to gain a greater sense of autonomy so that they could reorganize and restructure their government without fear of intrusion from the state.¹³³ However, this form of the home rule doctrine could lead to problems arising between counties, where one county has home rule

¹³⁰ *Id.*

¹³¹ TENN. CONST. art. XI, § 9 (2009).

¹³² *See id.*

¹³³ Laska, *supra* note 128, at 489.

status while the next county is governed more closely by the state. This disparity in the local autonomy of the different counties could lead to jurisdictional problems and could possibly hinder any broad legislation on the state level.

Alabama's development of the restricted home rule doctrine is a good example of the ability of local governments to be effective despite having strict limits placed upon them.¹³⁴ However, these limits can often lead to local politicians being hesitant or afraid to restructure certain programs or laws that are not efficient.¹³⁵ Georgia's interpretation of the home rule doctrine gives the local governments a less restrictive level of autonomy than Alabama.¹³⁶ This gives a certain level of security to the local politicians, that state legislation will not override the policies and laws enacted by them. This also complicates efforts to create comprehensive housing regulation that would eliminate certain administrative inefficiencies. Lastly, Tennessee's approach gives counties and other municipalities a choice of whether they want home rule status.¹³⁷ The municipality has to go through a long, difficult process before it becomes a home rule county.¹³⁸ The drawback here is that certain counties will have home rule status while their neighboring counties will be left under the authority of the state. These differing levels of local autonomy will lead to administrative inefficiencies due to jurisdictional conflicts between the conflicting counties. Therefore, the most effective method would be an interpretation of the home rule doctrine that gave limited autonomy to all the municipalities in the state. There should be a combination of Georgia's and Alabama's approach. This approach would give local governments a certain level of autonomy but not so much as to impede state governments from providing comprehensive housing legislation. This will lead to a productive system of administering and enforcing housing codes in the southern region of the United States.

¹³⁴ Parker, *supra* note 120.

¹³⁵ *Id.*

¹³⁶ *See id.*; Ga. Const. Art. IX, § II, para. I (2008).

¹³⁷ Laska, *supra* note 128, at 489.

¹³⁸ *Id.*

III. Absence of Housing Codes

Many places in the United States do not have housing codes. This section will discuss where housing codes exist, how African Americans are affected by this absence, and the health implications of this absence in housing codes.

A. Where Do Housing Codes Exist

Currently, housing codes are predominantly in urban areas where the need for them is more visible to the general public.¹³⁹ The visibility, overcrowding, and decrepit structures of poor urban areas make it easy to see the need for housing codes there.¹⁴⁰ However, this does not mean that there is no need for housing in rural areas.¹⁴¹ Unsanitary conditions in rural settings can lead to the same diseases and ailments as in their urban counterparts.¹⁴² The plight of the rural poor is often overlooked because the problems negatively affecting the rural poor are different from those of the urban cities.¹⁴³ One example of the difference between the two would be the less space in urban areas between habitations.¹⁴⁴ This may not be a concern for rural inhabitants but indoor pollution and impure drinking water are definite concerns for them that negatively affect their health.¹⁴⁵ Also, rural areas vary greatly and have different climates as well as economic markets that these local governments depend on.¹⁴⁶ The difficulty in addressing the populations of the rural inhabitants could be viewed through the definition of rural.¹⁴⁷ The United States government defines rural as “whatever is not urban is remaindered as rural.”¹⁴⁸ The problem here is that state legislators are not as concerned with rural areas as they are with urban areas. This issue is also exacerbated by the higher concentrations of wealth in the rural

¹³⁹ Bassett, *supra* note 1, at 11-12.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ Bassett, *supra* note 1, at 11-12.

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

areas.¹⁴⁹ The population that lives below the national poverty line is not well represented in the legislative body. This lack of adequate concern produces legislation that ignores the rural poor and increases the severity of their housing problems.

In American culture, people tend to ignore the rural regions of the countries and only focus on the cities. This then spills over into affordable housing legislation where the focus is still on urban areas regardless of the need in rural areas. This focus toward urban poverty has blinded the plight of the rural poor to the point where they are invisible. There is a definite need for assistance in rural regions of the south where there are large concentrations of poor inhabitants. The rates of poverty in rural areas throughout the U.S. are consistently higher than in urban municipalities and cities.¹⁵⁰ Moreover, this rate is nearly fifty times higher in rural areas than in urban ones.¹⁵¹ Urban inhabitants have high numbers of poverty but the concentrations of poor inhabitants are still larger in rural counties.¹⁵² One study by the United States Department of Agriculture looked at poverty rates from all the counties in the nation and determined that approximately 84 percent of rural counties are above the national poverty level.¹⁵³ Moreover, over eighty counties in rural regions have poverty rates higher than thirty percent and twelve of those eighty counties have even higher poverty rates.¹⁵⁴ Another finding from this study stated that counties with extreme poverty rates are disproportionately concentrated in rural areas.¹⁵⁵ Studies such as this prove the need for governmental assistance in rural areas and more affordable housing legislation.

Despite the perception that rural communities do not need assistance, rural communities are in desperate need of more effective housing programs that will provide affordable housing that is also

¹⁴⁹ Bassett, *supra* note 1, at 11-12.

¹⁵⁰ U.S. Dep't of Agric., *supra* note 2.

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ U.S. Dep't of Agric., *supra* note 2.

sanitary and structurally sound.¹⁵⁶ Overcrowding and visibility have been strong factors in favoring urban jurisdictions in the past.¹⁵⁷ However, these are not the only factors to be considered when analyzing this issue. Structural soundness, indoor pollutants, and impure drinking water are factors that should also be considered when discussing the need for legislative action such as implementing housing codes.¹⁵⁸ The lives of these rural inhabitants may not be as visible as their urban counterparts but they should still be considered, especially when examining such issues as environmental health in the home.

B. African Americans Deeply Affected

African Americans in the rural regions of the south are deeply affected by these poor environmental health factors in the home.¹⁵⁹ There are even studies that suggest that they are affected more than their urban counterparts.¹⁶⁰ The poverty rate of African Americans affected is significantly higher than the urban poor of the same race.¹⁶¹ The populations of the urban poor may be larger but the concentration of the rural poor is higher.¹⁶² This is due to the higher concentration of African Americans living in poverty in the rural south.¹⁶³ Similarly, there are more poor rural Caucasians in terms of sheer numbers but the rate of impoverishment is still higher with rural minorities.¹⁶⁴ One study has estimated that one out of every four minorities in rural areas live below the poverty line, particularly African Americans, Native Americans, and Latin Americans.¹⁶⁵ There is very little upward mobility due to the stagnant nature of the economies in these rural areas. The same study finds that there is a

¹⁵⁶ Bassett, *supra* note 1.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ Bassett, *supra* note 1.

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

correlation between extreme poverty and locations easily identifiable by race.¹⁶⁶ For example, there are a large number of African Americans in the rural regions of the south, so it would logically follow that there is a large concentration of poor African Americans living in the region.¹⁶⁷ The racial component magnifies the problems of poverty exponentially, especially when there is little upward mobility coupled with segregation.

The disparity in the poverty rates between Caucasians and minorities is staggering.¹⁶⁸ One study has concluded that nearly half of African Americans and practically a third of Hispanics live in high poverty areas.¹⁶⁹ However, this study states that only an eighth of Caucasians live in these high poverty areas.¹⁷⁰ This shows how the large concentration of poor minorities has an on-going effect on the lives of poor African Americans living in these rural areas of the south.¹⁷¹ This relationship between location and race has had a devastating effect on the living spaces of the rural African American poor.¹⁷² The need for an improved system of housing regulation is strong in these rural areas of “persistent poverty.”¹⁷³ State legislation has not enacted legislation that particularly affects rural areas because of various reasons. Nevertheless, comprehensive housing regulation targeted through housing codes in rural areas will significantly decrease these inequalities.

C. Health Implications

Health concerns have always been a predominant factor in enacting affordable housing legislation and implementing housing codes.¹⁷⁴ Containing diseases such as tuberculosis was a major motivation for the legislators during the early years of housing

¹⁶⁶ Bassett, *supra* note 1.

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ Bassett, *supra* note 1.

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4.

codes.¹⁷⁵ Legislators wanted to decrease the number of people living in the home, as well improve the structural components of the living spaces.¹⁷⁶ Overcrowding, poor ventilation, structural defects, as well as other criteria were all concerns for early housing standards.¹⁷⁷ This legislation came as a reactive measure to counter the damage done by all the large factories that were constructed during the Industrial Revolution.¹⁷⁸ While some of these conditions have subsided, a substantial number of these concerns are still prevalent in rural areas of the south.

Poor environmental health conditions in living spaces contribute to the significant increase in the rates of diseases and ailments such as asthma, mold-induced illnesses, and carbon monoxide poisoning.¹⁷⁹ These rates are even higher with children who are indoors for a large part of their day.¹⁸⁰ One study has concluded that the average time a U.S. citizen spends inside can reach levels as high as 90 percent during their lifetimes.¹⁸¹ Moreover, the same study has also projected that indoor pollutants may be significantly higher than outdoor pollution.¹⁸² This study has defined indoor air pollution as “chemical, physical, or biological contaminants in the breathable air inside a habitable structure or conveyance, including workplaces, schools, offices, homes, and vehicles.”¹⁸³ Indoor pollution has serious ramifications that affect more people in the rural areas of this country than previously thought.¹⁸⁴ This is especially true for children that are in school, daycare, church, and home for a substantial portion of their day. As the rural economy of the south moves away from agriculture,

¹⁷⁵ Jacobs, Kelly, and Sobolewski, *supra* note 12.

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ Walter G. Wright, *The Transactional Challenges Posed by Mold: Risk Management and Allocation Issue*, 56 ARK. L. REV. 295, 298-315 (2003).

¹⁸⁰ Jacobs, Kelly, & Sobolewski, *supra* note 12.

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁸⁴ *Id.*

indoor air pollution will only aggregate and the problems surrounding it will become larger.

Implementing preventative measures, such as housing codes, have significant economic benefits.¹⁸⁵ One report has estimated that the total costs for “environmentally attributable childhood diseases” reach \$54.9 billion annually in the United States.¹⁸⁶ This includes diseases such as lead poisoning, asthma, cancer, and developmental disabilities.¹⁸⁷ A significant number of the inhabitants that will benefit from the implementation of housing codes in the rural south receive government assistance for their medical expenses.¹⁸⁸ This will save a substantial amount of money for the United States government in that if certain diseases are prevented then the expenses will also be eliminated or at least reduced.

The general public is more familiar with the housing problems of the urban poor as opposed to the problems of the rural poor. This unfamiliarity in turn leads people to ignore the plight of the rural poor by assuming that those problems are nonexistent. However, the problems of the rural poor in the south do exist, despite the fact that they differ somewhat from their urban counterparts. One of the primary differences between rural and urban housing is that much of the infrastructure that is often taken for granted by urban residents does not exist in the rural environment. Examples range from fire and police regulation to drinking water used for homes in the rural environment. It is estimated that at least fifteen percent of the U.S. population is not served by approved public water systems.¹⁸⁹ Instead,

¹⁸⁵ Phillip J. Landrigan et al., *Environmental Pollutants and Disease in American Children: Estimates of Morbidity, Mortality, and Costs for Lead Poisoning, Asthma, Cancer, and Developmental Disabilities*, 110 ENVTL. HEALTH PERSPS. 721 (2002).

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4.

rural inhabitants use individual wells and small drinking water systems that are not covered by the Safe Water Drinking Act.¹⁹⁰ These wells are often unregulated by the government and could contain possible contaminants. One study has found that many wells in rural areas are dug instead of being properly drilled. Subsequently, this leads to water having higher levels of contamination.¹⁹¹ This, in turn, affects the indoor plumbing that can contaminate the drinking water of the home and expose the inhabitants to bacteria and dangerous chemicals.¹⁹² Furthermore, this creates extremely dangerous conditions for rural dwellers that use the water for various purposes such as drinking, sewage, and cleaning.¹⁹³ This is one example of how the needs differ between the rural and urban areas. Determining the difference between the environmental health concerns of these two locations is vital to addressing the plight of the rural poor.

Another concern of the rural south is structural defects in homes. One report has found that nearly a third of all accidental fatal injuries happen in the home.¹⁹⁴ The structural integrity plays a large part in these unintentional fatalities. Two demographics hit the hardest by this epidemic are children and African Americans. African Americans living in the rural south were one of the most vulnerable groups.¹⁹⁵ As reported from the study, they were the most susceptible to being affected by these rates due to lack of structural soundness.¹⁹⁶ Poorly built homes are a strong determinant as a source for these injuries.¹⁹⁷ Falls are also the leading type of residential injury for children and African Americans.¹⁹⁸ They account for an estimated three million visits to the emergency room and often can lead to the

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ Landrigan et al., *supra* note 185.

¹⁹⁵ Parker, *supra* note 120..

¹⁹⁶ *Id.*

¹⁹⁷ Landrigan et al., *supra* note 185.

¹⁹⁸ *Id.*

death of the inhabitant.¹⁹⁹ Many of these environmental health problems faced by the rural poor can be eliminated through an effective, comprehensive housing code.

IV. Considerations

There is not one particular way to implement housing codes effectively in rural areas. However, there are four factors that should be considered when implementing a new system of housing codes that would address the needs of everyone. First, housing codes must not be limited by excessive jurisdictional impediments or they will flounder.²⁰⁰ This is important because the efficiency of the code enforcement is a critical element that must be addressed.²⁰¹ Housing codes must have adequate authority to equip the housing inspector with the tools to enforce this code in these local municipalities. The housing codes cannot have too many overlapping agencies enforcing housing codes in one geographical area. Also, the home rule doctrine plays a major part here in determining how much control the state legislature exerts over local governments. The home rules doctrine should be limited as far housing codes are concerned so that comprehensive housing legislation can effectively span the entire state. State agencies should manage and enforce housing codes so that jurisdictional impediments do not frustrate the purpose of the housing codes.

The second factor in establishing effective housing codes is the need to research the state of current housing concerns.²⁰² To accomplish this goal, there must be an accurate report of the state of current housing codes, the direction of these housing codes, and whether this direction is attainable by the governing authority.²⁰³ This is extremely helpful because it would give the governing authority a base of reference so that it will not make the same mistakes that other authorities have made. Also, researching the direction of jurisdictions

¹⁹⁹ *Id.*

²⁰⁰ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4.

²⁰¹ *Id.*

²⁰² *Id.*

²⁰³ *Id.*

where their housing codes have failed will give insight into what those jurisdictions have discovered through their research.²⁰⁴ Many initiatives fail because the program administrators do not have the right answer when advocating for affordable housing legislation. An analysis of prior efforts that have proven to be successful is paramount for the sole reason of not repeating the same mistakes again.

The third factor that affects the quality of housing codes is budget constraints.²⁰⁵ This system that surrounds the housing codes needs to be well funded.²⁰⁶ Without the funding required to administer and enforce these codes, the problems of the rural poor will continue to aggregate and worsen. The personnel need to be adequately trained and this requires funding from the various levels of government to ensure that there are no budget shortfalls. Many housing agencies and programs fail to do a thorough job of evaluating housing problems. Inspectors should be able to detect violations and to explain, to the property owner, the appropriate measures to correct the violation. If housing inspectors do not know how to do their jobs, then the concerns surrounding environmental health are not addressed. However, if there were more money in the budget to train these inspectors properly, then there would be an increase in the efficiency of these inspections.

Lastly, one very important factor to consider here is the way housing code violations are detected. Generally, housing inspectors address only the existing housing code violations and do not provide any analysis as to how those particular violations came to be.²⁰⁷ If preventative measures were factored into these housing code inspections, then there would be a considerable decrease in the violations occurring again.

²⁰⁴ *Id.*

²⁰⁵ CTR. FOR DISEASE CONTROL & PREVENTION, *supra* note 4.

²⁰⁶ *Id.*

²⁰⁷ *Id.*

Conclusion

Environmental health concerns drastically affect the health of many rural inhabitants and have done so throughout the years. The traditional way of allocating the power to regulate these matters to the local governments is not working. Much of the rural poor are ignored in the south, and their problems have only intensified over time. A change is needed, or more injuries, diseases, and deaths will occur. Many rural inhabitants are injured or killed everyday due to the substandard conditions of their homes. Structural soundness, indoor air pollution, mold exposure, and unregulated drinking water are all environmental health conditions that contribute to this society's high rate of cancer and asthma patients. These substandard living conditions contribute to the high costs of healthcare that could be prevented by bringing the substandard conditions up to par in the homes of the rural poor. This in turn cost the government more money when these rural inhabitants incur enormous medical bills stemming from improper living conditions. There needs to be more affordable housing in the rural south that is also sanitary and safe.

Moreover, African Americans are disproportionately affected by this lack of adequate housing in the rural south. Implementing comprehensive housing codes will address the needs of all racial and ethnic groups equally without nearly as many instances of racial profiling. This is one of the most effective methods to address the problem of the lack of affordable, sanitary housing. However, implementing a comprehensive housing code is not the only step to achieving this goal. There are three main components to an effective housing code system: efficiently detecting the violation, establishing adequate remedies for these violations, and addressing these housing code violations in an economically efficient manner. The best way to ensure that a housing code runs smoothly is to eliminate certain impediments. Limiting the home rule doctrine, merging the overlapping agencies into one state agency, and increasing funding from the different levels of government will reduce the occurrences of the majority of the most common impediments to an effective housing code. These are all key elements to a successful housing code program. There must be a change in the way society looks at the needs of the rural poor or their conditions will only worsen over time. If nothing happens, the number of respiratory diseases, injuries due to

structural defects, and visits to the emergency room will continue to increase dramatically.