



A Housing Strategy for Tulsa

Understanding the Cost
of Harmful Homes

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TULSA
College of Law

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THE AUTHORS

Three law students from The University of Tulsa College of Law's Community Advocacy Clinic, Preston Brasch, Courtney Nelbach, and Mike Shouse (the researchers), developed this report for April Merrill, Lead Attorney, Medical-Legal Partnership Initiatives, Legal Aid Services of Oklahoma, Inc. The researchers gathered information and interviewed stakeholders and leading housing experts from the local and national level to analyze how to improve housing in Tulsa County. The researchers conducted their work between August and December of 2016.

THE LOBECK TAYLOR COMMUNITY ADVOCACY CLINIC

The Lobeck Taylor Community Advocacy Clinic (CAC) at The University of Tulsa College of Law offers student attorneys the opportunity to explore the ethical, strategic, and theoretical dimensions of legal practice by solving real-life legal problems in a structured learning environment. CAC students serve the community by providing representation that increases access to justice for low-income individuals and families, as well as advocacy, capacity-building, and systemic reform on behalf of non-profit organizations and community groups.

PREFACE

Imagine a family living in a home infested with cockroaches and rats. The daughter wakes each morning with bite marks. The roof leaks when it rains or snows.

The daughter is unable to focus in school. Her asthma has worsened. Recurring visits to the doctor take her away from school and her mother away from work.

Several months ago, the mother asked the landlord to call pest control and fix the leaks, but he has not taken action.

Though the living conditions affect their health and violate the law, the family is afraid to contact the authorities. They worry that the landlord will retaliate or the home will be condemned. They cannot afford to live anywhere else.

Across the nation, more than 7 million families live in substandard housing.¹

The availability of safe, quality, and affordable housing is one of the most powerful factors that shapes human health.² Tragically, low-income families are more likely to live in substandard housing conditions.³ Areas of concentrated poverty (neighborhoods with poverty rates between 20-40%) tend to have the lowest rent prices⁴ and are much more likely to have substandard housing.⁵ Such neighborhoods are often the only option for low-income families.

Substandard homes can expose families to natural gas leaks, lead paint poisoning, pest infestation, poor water, unsanitary conditions, extreme weather,

and high levels of moisture and mold.⁶ Prolonged exposure to such conditions can cause serious short and long-term physical and mental health problems.⁷

Substandard housing is connected to a range of health problems including injuries, respiratory diseases, neurological disorders, poor child development, and psychological dysfunction.⁸ Children in stressful living situations, including unhealthy housing, tend to perform poorly in school.⁹

Housing in Tulsa

Tulsa's unhealthy housing is an epidemic hiding in plain sight. Rental properties in Tulsa County, no matter the health hazards they present to tenants, are not required to be inspected by city or county health officials. Instead, because Tulsa County has a complaint-based system,¹⁰ it relies on tenant reports to identify unhealthy housing conditions. Unfortunately, evidence suggests many low-income renters fear that making a housing complaint will lead to retaliation from the landlord or to losing their place to live.¹¹ These issues conceal and aggravate the effects of unhealthy housing.

Despite tenants' fear of landlord retaliation, the City of Tulsa receives more than 15,000 housing complaints per year.¹²

More than 50,000 households in the City of Tulsa (the City) alone have at least one of the following four housing problems: (1) lacks complete kitchen facilities; (2) lacks complete plumbing facilities; (3) more than one person per

room; or (4) cost burden greater than 30% of monthly income.¹³

In 2013, 63% of families living in poverty in Tulsa County spent more than half of their household income on rent,¹⁴ a level considered a severe cost-burden.¹⁵ Without housing assistance, such renters must often choose between basic needs, adequate living conditions, or housing instability.¹⁶ These households spend 41% less on food and 74% less on healthcare than families that can afford housing, further compounding negative health effects.¹⁷ Unfortunately, only a limited number of eligible families are able to secure housing assistance.¹⁸

In 2013, there were 23,500 extremely low-income renters in Tulsa County and less than 7,000 affordable rental units.¹⁹

For low-income families, finding and paying for a home is a constant struggle, and the housing they can afford is often unhealthy. For most low-income Tulsans, saving for a down payment is out of reach, making renting their only option. According to the Housing Authority of the City of Tulsa (THA), low-income residents face 6-12 month wait times for public housing in Tulsa and 1-3 year wait times for Section 8 Housing vouchers.²⁰ Anecdotal evidence suggests that, because the waiting lists are capped, real wait times can be much longer.²¹

<u>Rental Housing Crisis in Tulsa County</u>	
Extremely Low-Income Renter Households:	23,766
Affordable Rental Units:	6,892
Rental Housing Gap:	-16,873

About this Report

This report was prepared by three law students (the researchers) from The University of Tulsa College of Law's Lobeck Taylor Community Advocacy Clinic (CAC), at the request of April Merrill of Legal Aid Services of Oklahoma.

Through interviews with local stakeholders, conversations with national experts, and a review of models from other communities, the researchers learned that Tulsa has immediate opportunities to improve the lives of its residents through healthier housing. This report describes a number of problems Tulsa faces with regard to housing and health and offers a range of recommendations to address these problems.

OVERVIEW OF TULSA'S HOUSING PROBLEMS & RECOMMENDED SOLUTIONS

1. SCOPE AND DEPTH OF TULSA'S HOUSING PROBLEM

Problem 1: Tulsa's Complex Housing Problem

Solution 1: Understand the Problem

2. CONCENTRATED POVERTY

Problem 2.1: Concentrated Poverty

Solution 2.1: Mixed-Income Development

Problem 2.2: Homeownership is Unattainable for Renters

Solution 2.2: 0% Interest Lease-to-Own Programs

3. TULSA'S HOUSING LAWS

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Solution 3.1: Enforce Existing Law

Problem 3.2: Limits of Existing Law

Solution 3.2: Strengthen the Law

Problem 3.3: Landlord Tenant Act is Unbalanced

Solution 3.3: Amend Landlord Tenant Act

Problem 3.4: The Property Rights Act is Harmful

Solution 3.4: Repeal or Amend the Property Rights Act

4. VACANT & ABANDONED HOMES

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Solution 4.1: Reinstate Tulsa's Neglected and Vacant Property Registry

Problem 4.2: Seizing Abandoned Properties is Too Difficult

Solution 4.2: Facilitate Responsible Ownership of Abandoned Homes

5. PROACTIVE RENTAL INSPECTIONS AND REGISTRATION

Problem 5: Reactive Regulation of Rentals

Solution 5: Rental Registry and Inspection Program

6. LIMITED RESOURCES

Problem 6.1: Lack of Funding

Solution 6.1(a): Establish Local Housing Assistance Funding

Solution 6.1(b): Private National Funds

Solution 6.1(c): Require Landlords to Pay for Relocation

Problem 6.2: Wait Lists for Housing Assistance

Solution 6.2: Adjust THA's Application

7. FORECLOSURES

Problem 7.1: Foreclosed Property Sales

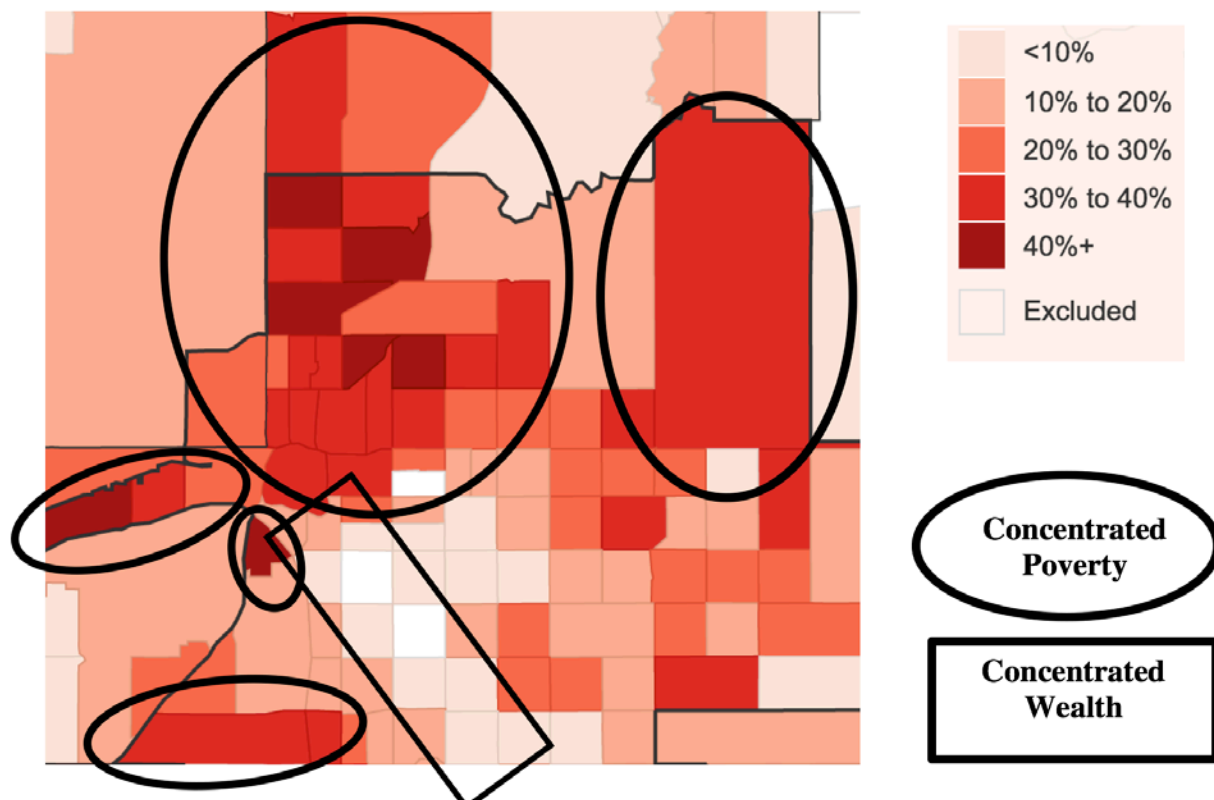
Solution 7.1: Regulate Foreclosed Property Sales

Problem 7.2: Mortgage Companies Delay Declaring Ownership of Foreclosures

Solution 7.2: Require Banks to Declare Ownership of Foreclosures Sooner

MAP A: NEIGHBORHOOD POVERTY RATES 2010-2014

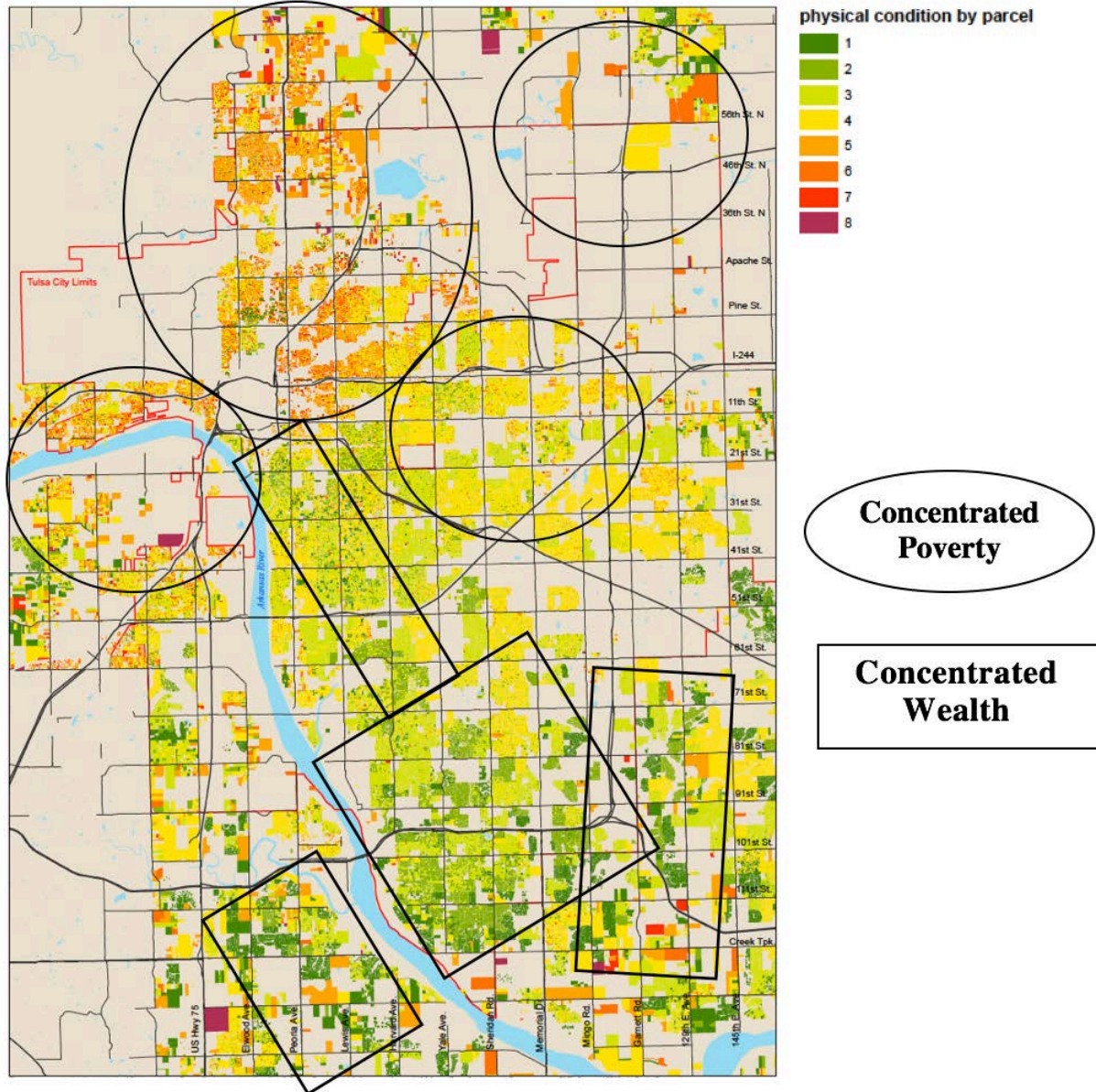
Source: Brookings Institution



This map shows the areas of Tulsa with concentrated poverty.

MAP B: PROPERTY CONDITIONS AND POVERTY

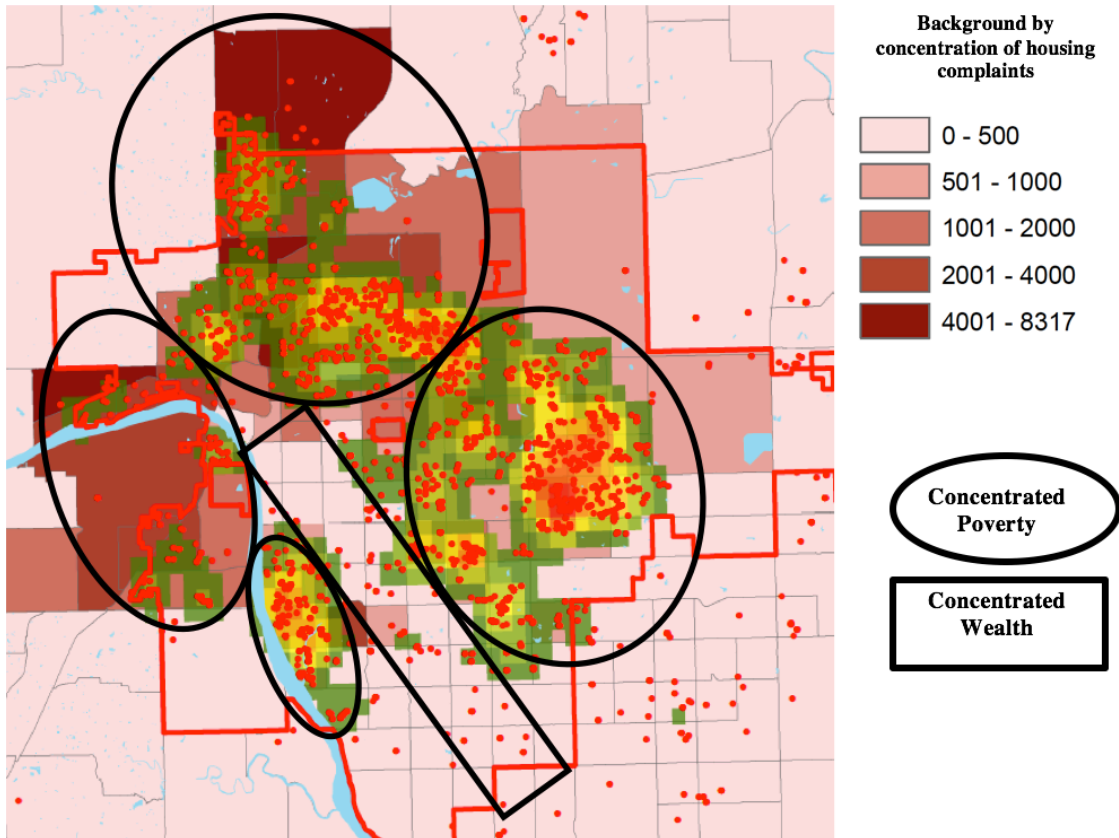
Map created by the University of Oklahoma's Community Health Environmental Design Studio (CHED). Based on data from the Tulsa Health Department.



Neighborhoods with concentrated poverty have homes in worse physical conditions according to the Tulsa County Assessor. In this map, homes are ranked according to quality of physical condition, with one (green) representing the best condition, and eight (red) representing the worst.

MAP C: HOUSING COMPLAINTS & CHILD ASTHMA PATIENT DATA

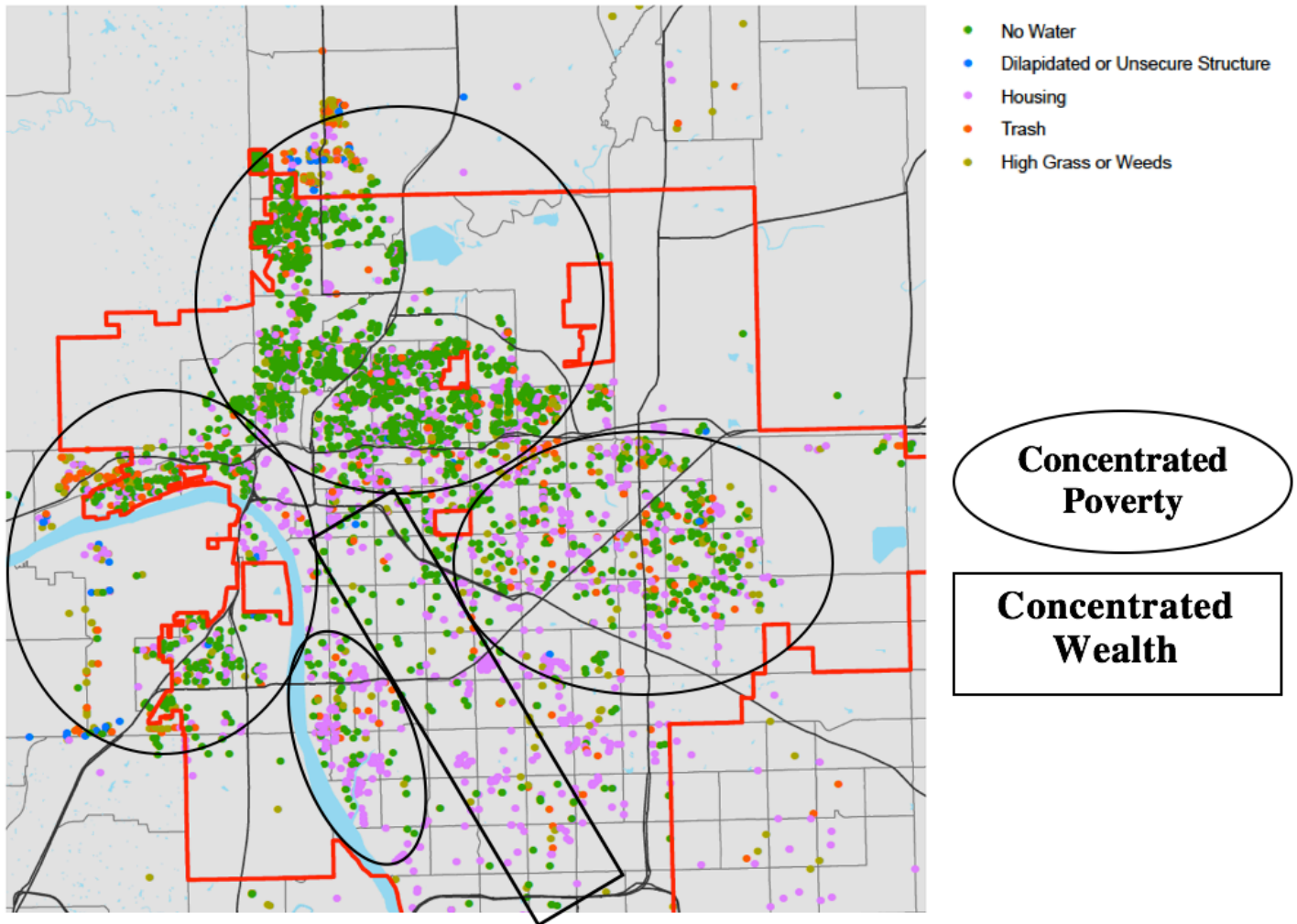
Map created by the University of Oklahoma's CHED. Based on data from the Tulsa Health Department and the University of Oklahoma – Tulsa Schusterman Center Clinic (pediatric clinic). Clinic data includes child asthma patients.



This map shows a strong correlation between housing complaints, child asthma cases, and concentrated poverty. Asthma cases are represented by red dots and are mainly found in neighborhoods of concentrated poverty. Rates of housing complaints are represented by shaded areas.

MAP D: TULSA HEALTH DEPARTMENT HOUSING COMPLAINTS

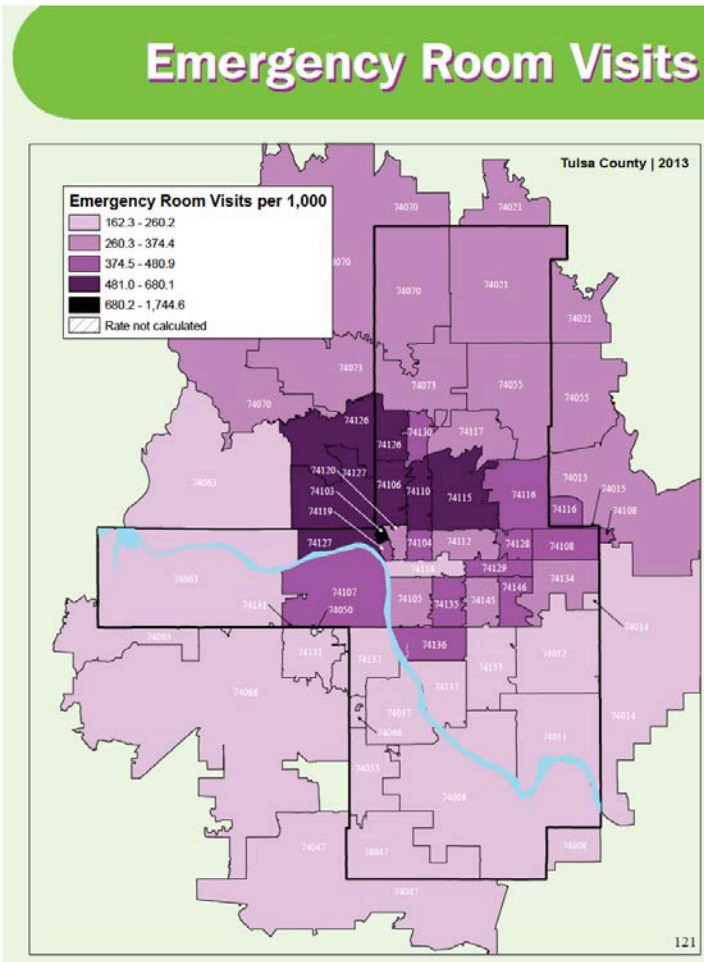
Map created by the University of Oklahoma's CHED. Based on data from the Tulsa Health Department.



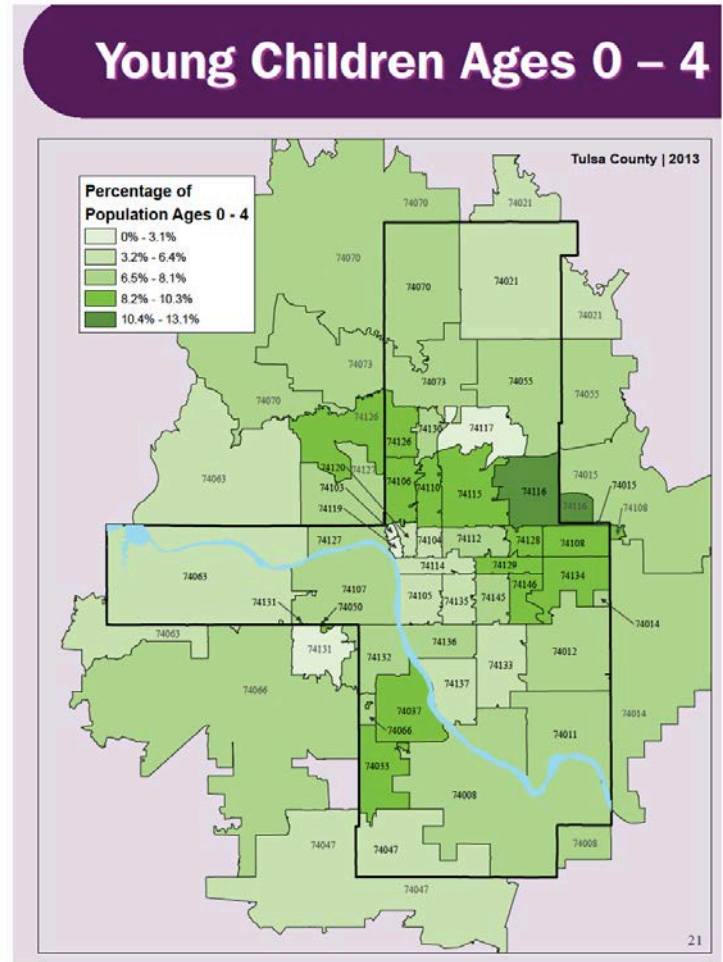
Most complaints to the Tulsa Health Department come from areas of concentrated poverty. Note: a "Housing" complaint involves an interior problem such as electrical, plumbing, or pest problems.

MAPS E & F: EMERGENCY ROOM VISITS AND CHILD POVERTY

Source: Tulsa Health Department



Most emergency room visits originate in neighborhoods with concentrated poverty.



Neighborhoods with concentrated poverty have the highest number of children ages 0-4.

HISTORICAL BACKGROUND

For the past fifty years, the Tulsa metropolitan region has experienced rapid suburban growth.²² In midtown, Tulsa zoned large areas of land as single-family residences.²³ Only wealthy residents could afford to purchase and build on these large parcels.²⁴

In poorer Tulsa neighborhoods, property values decreased as people moved to the suburbs. Eventually, only those who could not afford to move were left in centrally-located Tulsa neighborhoods. Similar to other American cities, as the tax base moved out of the city and into the suburbs, the City of Tulsa struggled to meet the cost of providing city services. Public schools, which can leverage local property taxes to raise bond funds for facility improvements also suffered from the loss of a tax base, making the suburbs and their higher-quality schools ever more appealing.²⁵

Shawn Schaefer, the Director of the Urban Studio at the University of Oklahoma, explained to the researchers that every neighborhood has a story.²⁶

For example, the Kendall Whittier neighborhood, now in a process of renewal, had long been in a state of decline.²⁷ This decline began with the growth of the University of Tulsa.²⁸ As the university attracted more students, developers responded by building quick and cheaply built multi-family units.²⁹

Because these units were not built to last, and because students tend to be hard on rental properties, the housing stock in the area declined after several years.³⁰ Eventually, the university

provided on-campus housing, while the housing in the area became less appealing.³¹ As a result, landlords faced a choice: either spend money to remodel or rebuild the units (and raise rent to recuperate the costs), or lower rent to keep units occupied.³²

Many landlords made the latter choice. Soon, only renters who could not afford better options lived in Kendall Whittier.³³

The longer a child spends living in poverty, the more likely it is that the child will grow up to live in poverty as an adult.³⁴ Neighborhoods with concentrated poverty typically lack job opportunities.³⁵ This, inevitably, leads to a continued decline in already struggling neighborhoods.³⁶

Unfortunately, today's Tulsa remains divided by income and health outcomes. The previous series of maps (beginning on page 7 of this report) reflect Tulsa's history and concentrations of wealth and poverty. The maps illustrate the connections between housing quality, poverty, and health. One map is from the Brookings Institution. All others were developed by the Community Health and Environmental Design Studio (CHED) and created using medical records from the University of Oklahoma – Tulsa's Schusterman Center Clinic (a pediatric clinic) and housing complaints from the Tulsa Health Department.

**TULSA'S HOUSING PROBLEMS
&
RECOMMENDED SOLUTIONS**

1. SCOPE AND DEPTH OF TULSA'S HOUSING PROBLEM

Tulsa has an unhealthy housing problem. Living in unhealthy housing directly and negatively affects the well-being of people and communities and correlates with problems related to health, education, crime, and property taxes.

PROBLEM 1: TULSA'S COMPLEX HOUSING PROBLEM

Tulsa faces a serious shortage of healthy, affordable homes, but the problem has received little attention in recent years. An estimated 52% of Tulsa's renters are currently living in either substandard or overcrowded housing.³⁷ Living in such conditions directly and negatively affects the overall health of many Tulsa residents. A shortage of healthy, affordable homes jeopardizes the well-being of working families and exacerbates income inequality by forcing workers to live far from potential jobs.³⁸

SOLUTION 1: UNDERSTAND THE PROBLEM

The first step in addressing Tulsa County's unhealthy housing is to understand the problem and the strong economic arguments that support solving it. Unhealthy housing harms individuals and the broader community. As this report has already discussed, low-income people are those most likely to live in substandard housing and suffer related health effects. In

addition to the costs to individuals, the broader community sees lower property values and increases in crime.³⁹ This section describes just a few of the effects substandard housing has on individuals and the community.

Health and Housing

Due to health issues linked to unhealthy housing, low-income people often rely on emergency and urgent care facilities. The average cost of an urgent care visit is \$71-\$125, while the average emergency room visit is approximately \$1,200, depending on the treatment.⁴⁰ It is critical to analyze urgent care and emergency room costs and not just physician visits because areas of concentrated poverty, such as North Tulsa, lack access to routine health care. Often, low-income people cannot seek care until their conditions have progressed to the point of requiring emergency assistance.⁴¹

Studies have compared residents' health outcomes before and after moving into healthier conditions. A study out of King County, Washington focused on low-income children and the effects of removing asthma triggers from the home.⁴² This study developed the idea of Breathe Easy Homes, which have features such as moisture-removing fans and high quality insulated windows to prevent mold, low-pile carpeting and fresh filtered air ventilation systems.⁴³ These features combine to reduce exposure to dust mites, cockroaches and rodents. The study suggested that spending an extra \$5,000-\$7,000 during construction to add Breathe Easy features significantly reduces asthma symptoms and dependence on healthcare facilities. Just one year after low-income children move into Breathe

Easy Homes, they experience better quality of life and more asthma symptom-free days.⁴⁴

Education and Housing

There is a strong correlation between stable and healthy housing and educational outcomes. Unfortunately, the U.S. has the highest household mobility of any developed country in the world.⁴⁵ One in six children in America attends three or more schools between the first and the third grade. Research shows that these moves are due in large part to shortages of affordable housing.⁴⁶ For third graders who had attended three or more schools, 41% are at or below the average scores for reading and 33% for math, compared to 26% and 17% for students that have not changed schools.⁴⁷

Given the relationship between housing and educational outcomes, and between educational outcomes and earning potential, the effects of unhealthy housing are long-lasting and damaging to the broader economy. Children who grow up in unstable housing are four times more likely to drop out of high school.⁴⁸ In 2015, high school dropouts were 59% more likely to be unemployed.⁴⁹ As of 2007, over the course of a lifetime, the "average" high school graduate earned \$290,000 more than a high school dropout. A high school graduate pays on average \$100,000 more in taxes (federal, state, and local).⁵⁰

Increased unemployment and lower earnings add significant burdens to our social programs such as Temporary Aid for Needy Families (TANF), food stamps, and Medicare.⁵¹ As a result, Tulsa cannot afford to ignore this unhealthy housing problem. The lower the quality

of the housing in our community, the worse the academic and economic outcomes for children in our community.

The data below illustrate the relationship between unstable, unhealthy housing and children’s economic and educational outcomes.

1 in 6	Number of children in unstable housing who move 3 or more times between 1st and 3rd grade
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Among children who move 3+ times between 1st and 3rd grade:

41%	Below average scores for reading
26%	Below average scores for math

Property Taxes and Housing Quality

Abandoned homes depress the value of the surrounding area and lead to lost tax revenue for communities. For example, in Oklahoma City, abandoned residential properties cause about a \$1.7 billion loss in property value to surrounding properties annually, along with \$2.7 million in lost city property tax revenue and \$10 million in lost school district tax revenue.⁵²

Crime and Housing

The “broken windows” theory is the idea that if a property shows signs of being abandoned, it will attract crime.⁵³ After a property becomes vacant, violent

crimes within 250 feet of the property increase 15%.⁵⁴

Arson is a common crime for vacant and abandoned properties. The U.S. Fire Administration estimates that between 2006 and 2008, 28,000 fires broke out annually in abandoned properties, with 11% also spreading to nearby buildings.⁵⁵ The organization estimates 37% of these fires were set intentionally and estimates 45 deaths, 225 injuries, and \$900 million in property damage each year from such fires.⁵⁶

Figures are not available for Tulsa concerning property taxes or crime because the city does not track abandoned residential properties.

2. CONCENTRATED POVERTY

Concentrated poverty is strongly linked to substandard housing,⁵⁷ and thus to the negative health effects of poor quality housing. More than half of Tulsa's low-income residents live in neighborhoods of concentrated poverty (defined as 20% of the poverty rate or higher).⁵⁸ These neighborhoods have high rates of substandard housing.⁵⁹ In seven Tulsa neighborhoods, poverty rates reach 40% or more; and the poverty rate is as high as 66.3% in one neighborhood.⁶⁰

In neighborhoods with high poverty rates, residents have less access to retail and food options, transportation, jobs, and financial services.⁶¹ Addressing concentrated poverty requires providing opportunities for residents to move as well as developing opportunities within low-income neighborhoods.⁶²

It is critical to ensure residents are not simply displaced in the name of deconcentrating poverty.⁶³

PROBLEM 2.1: CONCENTRATED POVERTY

Tulsa has more than 80 neighborhood tracts of concentrated poverty.⁶⁴ Such neighborhoods tend to have more abandoned or deteriorating homes and lower home values.⁶⁵ A Brookings Institution analysis concludes that five wide-ranging effects emerge from concentrated poverty, it: (1) restricts educational opportunities; (2) leads to more crime and worse health outcomes; (3) limits wealth accumulation; (4)

discourages private-sector investment and increases the cost for goods and services; and (5) increases costs for local government.⁶⁶

SOLUTION 2.1: MIXED-INCOME DEVELOPMENT

Tulsa can leverage federal tax credits and institute policies at the local level to deconcentrate poverty. Mixed-income housing strategies address a number of problems associated with neighborhood disinvestment and the concentration of poverty, particularly improvements in housing quality.⁶⁷ However, the benefits are also economic, because mixed-income housing builds communities with a strong “worker-job nexus.”⁶⁸

Tax Credits for Mixed-Income Development

Incentivize mixed income development by leveraging federal dollars and implementing local mixed-income development policies. For qualifying projects, federal tax credits are available through the Low-Income Housing Tax Credit (LIHTC), administered by the United States Department of Housing and Urban Development (HUD).⁶⁹ LIHTC provides developers with multi-year tax credits for constructing mixed-income housing units. The units must meet HUD safety standards and reserve a minimum of 30% of units for low-income households (defined as 80% of an area's median household income).⁷⁰ LIHTC is the most important resource available in the U.S. for creating affordable housing.⁷¹

Oklahoma's Housing Finance Agency administers LIHTC funds. Project

developers may apply to the agency if at least a portion of their units are reserved for affordable housing.⁷² Other investors can purchase LIHTC tax credits from the project owner to provide the developer with capital for the project. These credits benefit both the investor and the project owner: the owner gains access to capital for the project, while the investor benefits from tax credits for up to 15 years.⁷³

Few private developers in Tulsa have taken advantage of LIHTC funding to develop mixed-income housing. Private, for-profit developers in Tulsa do not tend to see the benefit of including affordable units in their projects.⁷⁴ However, other cities have successfully attracted private investors to LIHTC projects, and Tulsa should do the same.⁷⁵ For example, Austin creatively combined LIHTC funding with local funding to build a 150-unit project with 10% market rate units.⁷⁶

A critical first step is to educate private developers about the benefits associated with mixed-income projects.

In another example, the Seattle Housing Authority attracted numerous private investors to a critically acclaimed mixed-income community called High Point.⁷⁷ Tom Phillips, the High Point project manager, said that early efforts to “brand” the project were critical to High Point’s success. The Seattle Housing Authority hired a marketing firm to help pitch the development idea to investors.⁷⁸ As a result, the High Point neighborhood was “rebranded” to remove the prior stigma and make future potential homeowners feel it was a safe and desirable place to live.⁷⁹

Fortunately, a group in North Tulsa is already working on rebranding as part of a redevelopment effort. The Phoenix Development Council is a non-profit organization originally started as a neighborhood association with a mission to bring economic development back to North Tulsa.⁸⁰ The Phoenix Development Council actively recruits creative individuals to support the 36th Street North Corridor Small Area Plan, which sets out a vision for redevelopment in North Tulsa.⁸¹

Local Policies that Support Mixed-Income Communities

To promote mixed-income communities, Tulsa can make changes in local policy. For example, some cities have required that all new developments, or developments in targeted neighborhoods, include a minimum number of affordable housing units.⁸² The Tulsa Housing Authority, recognizing the need to deconcentrate poverty in Tulsa, plans to raise maximum household income levels in certain public housing units.⁸³ We encourage Tulsans to continue to push for desirable and well-built mixed-income rental properties that will attract residents from across the socio-economic spectrum.

PROBLEM 2.2: HOMEOWNERSHIP IS UNATTAINABLE FOR RENTERS

Low-income renters struggle to pay rent and cannot afford to save for a down payment. Though Tulsa is one of the most affordable real estate markets in the country,⁸⁴ low-income renters often struggle to afford rent,⁸⁵ and cannot afford to purchase a home. In Tulsa, 63% of families living in poverty spend more than half of their household

income on housing⁸⁶ which leaves little room for savings. Many low-income families have low credit scores. As a result, they struggle to qualify for mortgages or other loans.⁸⁷

While THA has secured funding to provide down payments for homeownership,⁸⁸ the agency has struggled to locate families eligible under HUD's strict qualifying criteria.⁸⁹ Wisely, THA joined efforts with Housing Partners of Tulsa, Inc. to identify eligible families, thereby enrolling 15 families in the pre-purchase counseling program, with plans to provide 125 families with down payment assistance over the next five years.⁹⁰ Such efforts should be supported wherever possible.

SOLUTION 2.2: 0% INTEREST LEASE-TO-OWN PROGRAMS

Establish a lease-to-own program to help low-income families become homeowners. Other cities have launched lease-to-own options for low-income families who could not afford a

down payment on their own. Cleveland Housing Network (CHN) was the first organization in the U.S. to offer a lease-to-own program.⁹¹ Through a \$285 million fund, the organization purchases dilapidated homes and rehabilitates or rebuilds them, leveraging HUD's Low-income Housing Tax Credit to secure additional investment. Before leasing a property, a family must complete a counseling program on homeownership that lasts anywhere from one to five years. Many of the families have Section 8 vouchers to offset monthly costs. At the end of the 15th year in the lease, a family can purchase their home for the remaining balance of the financed amount. During the lease, CHN pays all major maintenance costs and repairs while the family covers basic maintenance. CHN provides 0% financing for closing costs, and families typically finance \$10,000-\$15,000 to own a home. Families are able to build equity and savings in the process.

3. TULSA'S HOUSING LAWS

Existing law can be more strongly enforced, new laws can be passed, and existing law can be reformed to improve the safety, health, and quality of housing in Tulsa.

PROBLEM 3.1: ENFORCEMENT OF ORDINANCES

Tulsa's housing ordinances are not being enforced to their full extent, in particular, the property maintenance code, which appears in Title 55, is not being fully enforced, particularly by the Tulsa Health Department.

Tulsa's nuisance ordinance, Title 24,⁹² is an important point of comparison for understanding the problems with enforcement of Title 55, the property maintenance code.⁹³ The nuisance ordinance allows city officials to address threats to health, safety, and public decency through criminal and civil penalties. Title 24 provides a criminal penalty that declares any person who commits a nuisance or allows a nuisance to continue on their property is guilty of a misdemeanor punishable by fine of up to \$1,000 or imprisonment of 90 days in city jail.⁹⁴ A key feature of Title 24 is that the City is empowered to abate the nuisance, which allows the City to fix the defective condition after certain criteria are met, and place a lien on the property for the costs the City incurred.⁹⁵ In addition to recovering costs for abating nuisances, the City is allowed to sue in District Court to recover judgments on outstanding civil remedial fines.⁹⁶

In 2011, Tulsa adopted the International Code Council's Property Maintenance Code, 2003 edition, which became Tulsa Revised Ordinance Title 55.⁹⁷ This code is used to ensure that structures are safe, sanitary, and fit for occupation. It is one of the most important legal tools in the fight to ensure safe and healthy housing in Tulsa. The code reads:

It shall be unlawful and a misdemeanor offense for any person, firm, corporation, or [LLC] to violate any of the provisions of this code, fail to comply with any of the requirements thereof, or to occupy, maintain, erect, construct, alter, or repair any building or structure in violation of this code. Any person, firm, corporation, or limited liability company convicted of a violation of this code shall be guilty of a misdemeanor offense and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees, and assessments, or by imprisonment in the City Jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment. Each day, or portion thereof, during which a violation is committed, continued, or permitted shall be deemed a separate offense.⁹⁸ [emphasis added]

The City of Tulsa's Working in Neighborhoods (WIN) division and the Tulsa Health Department (THD) have the power to enforce Title 55.

While both ordinances have civil remedial penalty and criminal misdemeanor components, there are roadblocks to enforcement.⁹⁹ First, although WIN has found that the threat of a criminal penalty is fairly effective, civil fines have not been effective. Both agencies report that code violators feel free to ignore civil citations because they

do not fear being hauled into court.¹⁰⁰ While the City can sue in District Court for outstanding civil fines, the cost of bringing actions against every landlord with outstanding fines is not cost effective. So landlords go unchecked as their properties become more dilapidated and health harming.

Second, THD has expressed a reluctance to issue civil fines for property maintenance violations in favor of other, less punitive, measures at their disposal.¹⁰¹ THD would rather incentivize landlords to keep their properties up to code than strictly enforce the code with the possibility of condemning homes and displacing the tenants.

SOLUTION 3.1: ENFORCE EXISTING LAW

Existing housing codes should be more strictly enforced. Strict enforcement of housing codes will result in more healthy and stable housing without requiring new legislation. Both City of Tulsa and the Tulsa Health Department should increase enforcement efforts.

This enforcement strategy may require additional funding. Other communities have advocated for providing additional funds to their city attorneys so they can take legal action against code violating landlords.¹⁰² We recommend the same approach by either providing funding for (a) more attorneys (b) additional staff to specifically prosecute code violating landlords.

It is critical to note that strictly enforcing the property maintenance code runs the risk of displacing low-income tenants. Thus, code enforcement efforts

must be coupled with strategies to increase the amount of healthy and affordable housing in Tulsa.

PROBLEM 3.2: LIMITS OF EXISTING LAW

Tulsa's existing laws governing healthy housing have two important limitations. The government has no power to abate unhealthy conditions and there is no legal mechanism to punish repeat offender landlords.

Tulsa's current housing codes do not allow the abatement of deficient structural conditions, and the codes are not strong enough to deter repeat offenders. Abatement refers to the practice of a government entity fixing a housing problem and requiring the offending landlord to bear the cost.

As discussed previously in Problem 3.1, Title 24, the nuisance code, has a provision that allows the City to abate nuisances and place a lien on the property for the costs of the abatement.¹⁰³ Title 55, the property maintenance code, contains no such provision. The only way the City of Tulsa can take action against a dilapidated structure is to declare it a nuisance and either demolish it or board it up.¹⁰⁴

In addition, there is no meaningful way to punish repeat property maintenance code offenders. Yet THD has identified a core group of landlords that are repeat offenders. Up to 75% of the health complaints THD receives can be attributed to a small group of the same landlords.¹⁰⁵

SOLUTION 3.2: STRENGTHEN THE LAW

Amend the property maintenance code to allow abatement of violations and implement a program for repeat offenders. The property maintenance code should be amended to allow the City of Tulsa to abate property maintenance violations and attach liens on the property for the costs of the abatement. This would allow the city to more quickly address property maintenance violations and improve housing quality.

Further, the city should adopt a repeat offender program to deal with landlords who habitually violate housing codes. The program could require landlords with multiple outstanding violations to pay for periodic inspections and post signs on their properties indicating their repeat offender status.¹⁰⁶

PROBLEM 3.3: LANDLORD TENANT ACT IS UNBALANCED

The Oklahoma Landlord Tenant Act unfairly favors landlords over tenants. The Landlord Tenant Act creates the basic rights and duties for landlords and tenants in Oklahoma.¹⁰⁷ Key problems with the Act include the award of attorney's fees to the winning party in a lawsuit,¹⁰⁸ unspecified penalties for landlords who violate the Act,¹⁰⁹ and a procedure which only allows tenants to repair health hazards up to \$100.¹¹⁰

Low-income tenants usually cannot afford to hire an attorney to pursue actions against their landlords. Since the Act allows for the shifting of attorney's

fees, tenants are furthered discouraged from bringing suit. The Act does not provide specific remedies or punishment for landlords who fail to provide habitable premises. The Landlord Tenant Act provides in part:

A. A landlord shall at all times during the tenancy: . . .

2. Make all repairs and **do whatever is necessary to put and keep the tenant's dwelling unit and premises in a fit and habitable condition;**

3. **Maintain in good and safe working order** and condition all electrical, plumbing, **sanitary**, heating, ventilating, air-conditioning and other **facilities** and appliances, including elevators, supplied or required to be supplied by him.¹¹¹ [emphasis added]

Further, the Act makes it difficult for tenants to break a lease or to pay for repairs. For example, if a tenant finds a problem with the property that "materially affects health" and can be fixed by repairs, the tenant must notify the landlord in writing and provide the landlord 14 days to repair any issues, with shorter times allowed for emergency situations.¹¹² If the landlord does not repair the issue within 14 days, or a shorter time for emergencies, the tenant may either break the lease after 30 days, or repair the problem. However, the Act restricts recovery on behalf of the tenant to a maximum of \$100 per repair *if* the tenant provides an itemized receipt.¹¹³ Given that most low-income families cannot afford to move, most are stuck trying to repair the nuisance (subject to a \$100 limit per repair) or continuing to live in unhealthy housing.¹¹⁴

SOLUTION 3.3: AMEND LANDLORD TENANT ACT

The Landlord Tenant Act should be amended to treat both parties with greater fairness. First, the Act should be amended to reflect the unequal bargaining power between most landlords and tenants. Attorney's fees should only be awarded to defendant landlords when the claims brought by the tenant are frivolous and lack foundation. Reasonable attorney's fees should still be awarded to either party as a prevailing plaintiff, and to prevailing tenants when they are defendants. This would encourage more tenants to bring valid claims against landlords who fail to maintain healthy, safe housing.

Second, the Landlord Tenant Act should be amended to incorporate fines and/or punitive measures for landlords who violate the requirement to provide habitable premises.

Third, after time has expired for landlords to take action to repair defective conditions, tenants should be able to repair the condition and deduct the costs from their rent for up to two months.¹¹⁵ Not many defective conditions that affect health can be repaired for \$100, and this amendment would provide a tenant additional ways to fix their rental units instead of breaking their lease and finding a new place to live.

PROBLEM 3.4: THE PROPERTY RIGHTS ACT IS HARMFUL

The Oklahoma Property Rights Act (PRA) does little to protect property rights, but has a significant impact on the health of low-income Tulsans. The PRA was enacted in 2014 in response to cities passing ordinances that required registration of vacant and abandoned homes or rental properties.¹¹⁶ In particular, lawmakers were concerned that Oklahoma City's ordinance, which required the registration of *all* vacant properties, even those that were well-maintained, was too broad.¹¹⁷ PRA author, State Representative Steve Martin, R-Bartlesville, believed cities were using registrations as a revenue generator. Martin stated that citizens cannot complain to city officials about other personal concerns of theirs, and should not be able to complain about housing. "If I have a problem with my insurance agent, I can't call the city," Martin said. He continued, "I didn't see why a person needed to be able to call the city with real estate complaints."¹¹⁸ This perspective reflects a lack of understanding about the severity and effects of unhealthy housing.

The PRA provides in part:

No municipality shall enact or attempt to enforce through fees, civil fines or criminal penalties any ordinance, rule or regulation to require the registration of real property. Any ordinance, rule or regulation contrary to the provisions of this section, whether enacted prior to or after the effective date of this act, is declared null and void and unenforceable against every owner, purchaser, assignee,

lessee, mortgagee or beneficiary of any interest in the real property.¹¹⁹

The PRA banned the registration of all real property, no matter how dilapidated or dangerous. As a result of the PRA, cities are now forced to wait for complaints to learn about abandoned or vacant properties.

SOLUTION 3.4: REPEAL OR AMEND THE PROPERTY RIGHTS ACT

The PRA should be repealed to facilitate property registrations.¹²⁰ Registries allow cities to track problem properties and have been shown to induce landlords and homeowners to keep their properties up to code.¹²¹ The financial burden on homeowners and landlords, in the form of a registration fee, can be as low as \$20 a year.¹²²

If the bill cannot be repealed, an amended version that would allow for a neglected vacant property registration would help incrementally (see Problem 4). If the PRA is repealed or amended, local ordinances implemented to register vacant properties should only target vacant properties that have violated housing codes. Well-maintained vacant properties should be excluded from registration.

4. VACANT AND ABANDONED HOMES

When homes are not maintained, the surrounding neighborhood deteriorates.¹²³ Cities across the country are developing creative strategies to deal with poorly maintained homes and neighborhoods. Common solutions include vacant property registration programs, speeding up the property seizure process, and programs that rehabilitate deteriorating homes.

PROBLEM 4.1: NO TRACKING OF ABANDONED AND VACANT PROPERTIES

Vacant and abandoned properties have far reaching negative effects. Decreased property values, increased risk to public health, increased crime, and increased costs for cities have all been linked to abandoned vacant housing.¹²⁴ Vacant and abandoned properties add financial strain for cities without providing adequate tax revenue in return.¹²⁵ An analysis of Richmond, Virginia's crime statistics showed that vacant and abandoned properties had the highest correlation with crime out of all variables tested.¹²⁶

The earlier an abandoned property can be identified, the more likely it is to be rehabilitated.¹²⁷ Cities benefit when a responsible owner rehabilitates a home, rather than having the home demolished. Property taxes are clearly higher for a property with a structure versus a property without one (See example from St. Paul, MN above).¹²⁸ Demolishing a home costs the City of Tulsa around \$5,000. The current process for the City

<u>Property Tax Revenue Over 20 years: St. Paul, MN</u>	
Vacant lot	Rehabilitated Property
\$1,148	\$13,145

to reclaim abandoned properties can take years, and by then, properties may be past the point of rehabilitation.¹²⁹

Tulsa implemented a neglected and vacant property registration program in 2011. Unfortunately, the program was forced to terminate after the enactment of the PRA.

SOLUTION 4.1: REINSTATE TULSA'S NEGLECTED AND VACANT PROPERTY REGISTRY

If the PRA is repealed or amended, Tulsa should restart its neglected and vacant property registration program. Given the challenge of identifying vacant properties, many jurisdictions have implemented vacant property registration ordinances that require individuals to register vacant land and typically pay a registration fee.¹³⁰ Some jurisdictions increase fees the longer the property is vacant. The idea behind this increase is that property owners will be encouraged to put their property to more productive use, such as redevelopment.¹³¹

A registry for vacant and neglected properties allows a city or county to track such properties within their borders. Once identified, the city or county can put a rehabilitation plan in place to fix the property or take steps to demolish it. During the three years Tulsa's ordinance was in effect, around 1,200 properties were registered. About one-third of the properties on the registry were either rehabilitated or demolished.¹³²

The renewed registry should track Tulsa's previous ordinance and only target vacant homes with code violations. Many homes are vacant, but have not violated the nuisance or property maintenance code. Vacant properties that are well-maintained should be excluded from the registry. Revitalizing Tulsa's vacant home registry would help improve the availability of safe and healthy homes.

contacts them via letter explaining the CCI's mission, and asks if they can buy the property.¹³⁴

The City and County should assist organizations like CDC in acquiring and repairing rundown or vacant properties, potentially through tax credits or low interest loans.

PROBLEM 4.2: SEIZING ABANDONED PROPERTIES IS TOO DIFFICULT

The process of seizing abandoned properties is long and difficult. Rather than seize abandoned properties through a lengthy process, Tulsa should identify creative ways to put properties into the hands of owners who will care for them.

SOLUTION 4.2: FACILITATE RESPONSIBLE OWNERSHIP OF ABANDONED HOMES

Tulsa should encourage and develop creative ways to put problem properties into the hands of responsible owners.¹³³ Tulsa should support programs like that of Crossover Development Company (CDC), an umbrella organization of Crossover Community Impact (CCI). CCI surveys the Hawthorne Neighborhood in North Tulsa on a yearly basis to identify vacant properties. Justin Pickard, the Executive Director of CCI, said many of the properties in this neighborhood are owned by people who inherited the home but never go to the property. To obtain the rights to vacant properties, the organization uses the County Assessor's public information to find owners,

5. PROACTIVE RENTAL INSPECTIONS AND REGISTRATION

Tulsa's inspection and code enforcement regime is purely reactive. Tulsa's system places the full burden of rental property maintenance squarely on the shoulders of tenants, many of whom are low-income.

PROBLEM 5: REACTIVE REGULATION OF RENTALS

Tulsa has no systematic process for inspecting and verifying the habitability of rental properties. Tulsa's inspection and code enforcement regime is purely reactive. The burden of identifying problems falls solely on tenants, who generally lack the legal and financial power to force landlords to clean up unhealthy homes. As a result, many housing problems go unresolved. This results in negative health and economic effects for individuals and our community.

Research has shown the ineffectiveness of complaint-driven, reactive regimes like Tulsa's. A study in Austin found that city's complaint driven system was ineffective.¹³⁵ A study from Memphis found that their complaint-driven process only identified 20% of actual housing code violations.¹³⁶

To shift some of the burden away from tenants, with the goal of increasing the health and safety of housing, many cities have adopted creative programs including rental registries and proactive inspection programs. When Greensboro, North Carolina switched to

a rental registration program with proactive inspections, housing code complaints dropped 61% within a couple of years.¹³⁷

SOLUTION 5: RENTAL REGISTRY AND INSPECTION PROGRAM

Tulsa should develop a rental registry and proactive inspection program to promote safe and healthy housing. Many cities have recognized that relying on tenants to report housing problems is a recipe for unhealthy housing. In response, a number of cities have developed proactive rental inspection processes and rental registrations.

Rental Registry

Rental registrations are a growing trend and have been implemented in a number of large U.S. cities including Boston, Los Angeles, and Philadelphia.¹³⁸ At least 20 cities in Texas have rental registries, including Houston (see chart below),¹³⁹ Dallas, and Fort Worth.¹⁴⁰ These programs allow municipalities to track rental properties so they can identify and remedy code violations before they result in serious health and safety consequences for tenants.

<u>Model:</u>	
Houston's Rental Inspection Program	
Budget:	\$1.2 million
Staff:	10 inspectors, 4 support staff
Target:	Multifamily rental properties
Frequency:	Every 5 years
Rate:	6 inspections per day, 4 days a week = 1,200 per year

Registrations provide cities with accurate information on who to call when a nuisance or code violation occurs, saving time and money. Registration can be as simple as providing an address, phone number, and the name of an agent within the state.

As discussed previously, creating a rental registry may require repeal or amendment of the Oklahoma Property Rights Act. See Section 4 above.

Proactive Inspections

In addition to a registry, Tulsa should develop a proactive inspection program. In the beginning, the program could be targeted, focusing only on multi-family properties, for example. The program could be expanded over time.

The City of Tulsa has considered a program that would require annual inspections of rental properties. The ordinance has been drafted, but the city has not pushed to implement the program because of budgetary issues. City officials estimate the program would require 15 staff members and a budget of \$2.5 million.¹⁴¹

Until Tulsa can obtain funding necessary for a full, proactive inspection program, we recommend a targeted inspection approach.

Funding Sources

Support for inspection programs and code enforcement activities is available through the Community Development Block Grant (CDBG) program. CDBG funds can be used for code enforcement purposes when such enforcement is coupled with other services or development programs.¹⁴²

CDBG funds could be used to target Tulsa's low-income neighborhoods where the most affordable rental housing is located.¹⁴³ This option would lift the burden of code enforcement for the most vulnerable members of our community. In addition, for landlords who cannot afford to correct code violations, CDBG or The HOME Investment Partnerships Program, known as HOME funds, could be used to provide low interest loans.¹⁴⁴

Mitigating Displacement

To mitigate the risk of displacement of low-income renters, the Tulsa Housing Authority can provide assistance to potentially displaced renters, such as Section 8 vouchers or public housing units.

The City of Tulsa can also leverage untapped federal funding. Tulsa does not yet receive funding from the National Housing Trust Fund (NHTF), a federal program that provides revenue to build, preserve, and rehabilitate housing for extremely low-income households.¹⁴⁵

6: LIMITED RESOURCES

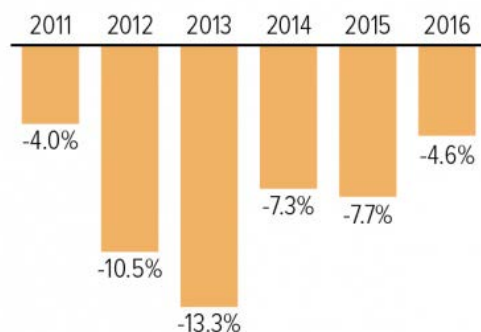
As a result of federal budget cuts and increased need, waiting times for housing assistance programs are long, meaning that families living in substandard housing wait months or years to secure safe, stable housing.

PROBLEM 6.1: LACK OF FUNDING

Federal funding for housing is not adequate to meet existing needs. Between 2010 and 2013, the federal budget for annual housing assistance fell by \$6.2 billion (13.3%).¹⁴⁶ The 2016 housing budget was \$2.1 billion below the 2010 level, adjusted for inflation.¹⁴⁷ THA has laid off several employees as a result of these cuts.¹⁴⁸

Federal Housing Assistance Funding Remains Well Below 2010 Level

Discretionary budget authority for housing assistance, relative to 2010, adjusted for inflation



Note: "Federal housing assistance" includes the Section 8, public housing, homeless assistance, Section 521, HOME, Native American Housing, HOPWA, and Section 202 and 811 programs, as well as many smaller programs, but does not include community development programs.

Source: Office of Management and Budget.

CENTER ON BUDGET AND POLICY PRIORITIES | CBPP.ORG

In the face of funding cuts, THA faces significant challenges that call for creative solutions.¹⁴⁹

SOLUTION 6.1(A): ESTABLISH LOCAL HOUSING ASSISTANCE FUNDING

To offset federal funding cuts, Oklahoma and Tulsa should explore establishing a housing fund. Fees from rental registrations are one potential source of revenue for a housing fund. Additionally, the City can make targeted infrastructure investments in low-income areas.¹⁵⁰ Some researchers recommend setting aside and targeting 25% of the City's capital improvement dollars to low-income areas.¹⁵¹ To facilitate such a process, Washington State defined housing as infrastructure to permit bond financing for housing investment.¹⁵²

The City might also consider using a portion of the housing fund to assist landlords in bringing their properties up to code. The City could stipulate that any properties that benefit from the fund become affordable housing units and remain in good repair for a set period.

SOLUTION 6.1(B): PRIVATE NATIONAL FUNDS

Healthy Futures Fund

Tulsa can apply for funding through the Healthy Futures Fund, which "seeks to improve community health by expanding healthcare access through a co-location model for health centers and affordable housing projects."¹⁵³ The Fund provides loan capital and New Markets Tax Credits to support affordable housing, education or job training, healthy food options and

grocery stores, and fitness and wellness services.¹⁵⁴

Housing Partnership Equity Trust

We recommend pitching Tulsa's burgeoning downtown real estate market to the Housing Partnership Equity Trust, a \$100 million fund designed "to enable competitive acquisition of lower rent, market-rate properties to preserve affordability [through] off-market nonprofit management."¹⁵⁵

SOLUTION 6.1(C): REQUIRE LANDLORDS TO PAY FOR RELOCATION

Other cities require landlords to pay for tenant relocation costs when the rental unit must be condemned due to landlord negligence. The city of Oakland successfully implemented just such a law in 1993 to offset the cost of reducing displacement from code enforcement.¹⁵⁶ Anticipating that landlords may avoid paying these costs, the City of Oakland allowed city officials to use city funds for relocation costs.¹⁵⁷ The landlord would have to pay such costs (plus administrative fees) to the city within five days of billing.¹⁵⁸ If a landlord fails to pay, the City may record a lien against the property with the County Recorder.¹⁵⁹

PROBLEM 6.2: WAIT LISTS FOR HOUSING ASSISTANCE

Section 8 voucher waiting times are too long. The official waiting time in Tulsa for Section 8 housing vouchers (which cover fair market rental contributions above 30% of the household's income) is 12-36 months.¹⁶⁰

Anecdotal evidence suggests actual wait times are as long as four or five years, depending on a particular family's situation.¹⁶¹ The waiting time for public housing is 6-12 months. THA's current online application process for Section 8 vouchers places all applicants into a single queue, a highly inefficient process.¹⁶²

SOLUTION 6.2: ADJUST THA'S APPLICATION

THA can adopt a Section 8 Voucher application similar to that of Oklahoma City Housing Authority (OCHA). OCHA uses a two-step, pre-screening process.¹⁶³ In this system, basic questions eliminate ineligible applicants before they can submit an application. OCHA also collects demographic data within the initial application to categorize families by need. Families enter the bottom of their category's waitlist, making it easier for OCHA staff to process applications.

7. FORECLOSURES

Home foreclosure systems across the country have an array of problems, and Tulsa's is no exception.¹⁶⁴ Corruption, a lack of oversight, and an inefficient legal process have led to a deficient foreclosure processing system in Tulsa, a system that is strongly linked to health harming housing.¹⁶⁵

PROBLEM 7.1: FORECLOSED PROPERTY SALES

Foreclosed property sales run by the Tulsa County Sherriff's Office allow landlords with multiple code violations to purchase foreclosed properties. Foreclosure sales are governed by state law but involve minimal oversight or protection.¹⁶⁶

Foreclosed property sales are an opportunity for landlords with a history of housing code violations to buy cheap new properties while their existing health harming homes fall into further decay. Once a property becomes too much of a problem or has amassed a large number of fines or taxes, a landlord can abandon the property and purchase a new one at a foreclosed property sale.

The Tulsa County Sheriff's office is the government entity responsible for selling foreclosed properties in Tulsa County. A Sheriff-appointed appraiser, who is not required to have any training or certification, drives by the foreclosed house and puts a value on the property.¹⁶⁷ Bidding for each property starts at two-thirds of the appraised value. The sale of foreclosed properties is open to the public. Potential bidders

only have to provide their name, the name that will appear on the deed, a phone number, and a mailing address.¹⁶⁸

Background checks are not currently required at foreclosure sales.¹⁶⁹

Bidders with outstanding fines stemming from multiple housing code violations are free to purchase any foreclosed property. All a winning bidder must do is provide a cashier's check for 10% of the winning bid before 1:00 p.m. the next business day and pay the remaining 90% before a confirmation hearing. The successful bidder may then rent out the property without an inspection and continue the cycle of health harming housing.

As an example of how foreclosure sales connect to health harming housing, over a four-year period, one Milwaukee landlord had outstanding housing code fines of around \$40,000, but was able to purchase 63 homes and duplexes for \$636,000.¹⁷⁰

SOLUTION 7.1: REGULATE FORECLOSED PROPERTY SALES

The County should adopt a system that requires background checks for foreclosure sale bidders. Potential buyers should not be allowed to bid if they have open code violation cases or outstanding property taxes. Under this system, landlords must maintain their properties or miss out on new property acquisitions from Sheriff's auctions. Background checks can be supported by a cross-agency effort, where the City of Tulsa and the Tulsa Health Department

share information about code violators with the Sheriff's Office.

PROBLEM 7.2: MORTGAGE COMPANIES DELAY DECLARING OWNERSHIP OF FORECLOSURES

According to a City of Tulsa official, once the foreclosure process is over and a mortgage company is declared the legal owner of a property, it can take up to a year for the company to file the deed with the county.¹⁷¹ Given that many foreclosure properties are public nuisances, the city is left to foot the bill for curing defective conditions for homes that have no legal owner.

SOLUTION 7.2: REQUIRE BANKS TO DECLARE OWNERSHIP OF FORECLOSURES SOONER

To remedy delays in the foreclosure process, Tulsa can amend the law to provide that once a judge declares the mortgage company the owner, the company has two weeks to file the deed. This option would allow the city to bill the mortgage company for any nuisance abatements on the property.

CONCLUSION

For many Tulsans, the news that the city has an affordable housing problem will come as a surprise. Middle-income people and those who are more affluent can easily find safe, affordable homes in Tulsa. But for the city's most vulnerable residents, there are few safe and clean options within financial reach. Homes in desperate need of repair are often the only option for a family living in poverty.

We recommend using a combination of legislative, legal, and private approaches to repair Tulsa's unhealthy housing.

ENDNOTES

¹ THE OFFICE OF POLICY DEVELOPMENT AND RESEARCH, HUD, WORST CASE HOUSING NEEDS 2015 REPORT TO CONGRESS, iii, 1-9, 62 (April 2015).

² See ROBERT WOOD JOHNSON FOUNDATION, WHERE WE LIVE MATTERS: THE LINKS BETWEEN HOUSING AND HEALTH 5, 1-7 (Sept. 2008), <http://www.commissiononhealth.org>; Samiya A. Bashir, *Home Is Where the Harm Is: Inadequate Housing as a Public Health Crisis*, 92.5 AM. J. OF PUB. HEALTH 733-36 (2002).

³ Gary W. Evans & Kimberly English, *The Environment of Poverty: Multiple Stressor Exposure, Psychophysiological Stress, and Socioemotional Adjustment*, 73 Child Development No. 4 1238, 1238 (August 2002) (citing Mayer, S.E., *Trends in the Economic Well-Being and Life Chances of America's Children*, in CONSEQUENCES OF GROWING UP POOR 49-69 (Greg J. Duncan & Jeanne Brooks-Dunn eds., 1997); ROBERT WOOD JOHNSON FOUNDATION, *supra* note 2. For the purposes of this report, we will use HUD's Office of Policy Research & Development's definition of severe inadequate housing, which is housing that has at least one of the following four problems:

1. Plumbing. Lacking piped hot water or a flush toilet or lacking both bathtub and shower, all for the exclusive use of the unit.
2. Heating. Having been uncomfortably cold during the past winter for 24 hours or more, or three times for at least 6 hours each, because of broken-down heating equipment.
3. Electrical. Having no electricity or having all of the following three electrical problems: exposed wiring, a room with no working wall outlet, and three or more blown fuses or tripped circuit breakers in the past 90 days.
4. Upkeep. Having any five of the following six maintenance problems: leaks from outdoors, leaks from indoors, holes in the floor, holes or open cracks in the walls or ceilings, more than 1 square foot of peeling paint or plaster, and rats in the past 90 days.

THE OFFICE OF POLICY DEVELOPMENT AND RESEARCH, HUD, WORST CASE HOUSING NEEDS 2015 REPORT TO CONGRESS, (see Appendix E) (April 2015), https://www.huduser.gov/portal/Publications/pdf/WorstCaseNeeds_2015.pdf.

⁴ See generally HUD, *Understanding Neighborhood Effects of Concentrated Poverty* (2011) <https://www.huduser.gov/portal/periodicals/em/winter11/highlight2.html> (citing generally George C. Galster, et al., *The Costs of Concentrated Poverty: Neighborhood Property Markets and the Dynamics of Decline*, in REVISITING RENTAL HOUSING: POLICIES, PROGRAMS, AND PRIORITIES 116–19 (Nicolas P. Retsinas & Eric S. Belsky, eds., 2008) (stating that once a neighborhood poverty rate exceeds 10%, home values and rental prices decline rapidly).

⁵ James Krieger & Donna L. Higgins, *Housing and Health: Time Again for Public Health Action*, 92(5) AM. J. OF PUB. HEALTH 758, 758 (2002).

⁶ WORLD HEALTH ORG., INTERNATIONAL WORKSHOP ON HOUSING, HEALTH AND CLIMATE CHANGE: DEVELOPING GUIDANCE FOR HEALTH PROTECTION IN THE BUILT ENVIRONMENT MITIGATION AND ADAPTATION RESPONSES 3-4 (October 2010), http://www.who.int/hia/house_report.pdf.

⁷ Krieger, *supra* note 5, at 759.

⁸ *Id.*

⁹ Elizabeth J. Mueller & J. Rosie Tighe, *Making the Case for Affordable Housing: Connecting Housing with Health and Education Outcomes*, 21 J. OF PLAN. LITERATURE 371, 374 (2007).

¹⁰ See generally CITY OF TULSA, NEIGHBORHOOD INVESTIGATIONS, <https://www.cityoftulsa.org/community-programs/neighborhoods/neighborhood-investigations.aspx> (last visited Dec. 12, 2016) (providing that Tulsa has a complaint-based system).

¹¹ Matthew Desmond, *Eviction and the Reproduction of Urban Poverty*, 118 AM. J. OF SOC. 88, 115, (July 2012).

¹² Telephone Interview with Brant Pitchford, Housing Supervisor, THE CITY OF TULSA (Nov. 4, 2016).

¹³ CITY OF TULSA, FIVE YEAR CONSOLIDATED PLAN 2015-2019 AND FIRST YEAR ANNUAL ACTION PLAN 2015-2016 42-44 (2016), <https://www.cityoftulsa.org/media/419591/Consolidated%20Plan%20FINAL%2005.14.15.pdf>.

¹⁴ INTEGRA REALTY RESOURCES HOUSING NEEDS ASSESSMENT TULSA COUNTY 100 (2015), <http://oklahomahousingneeds.org/counties/tulsa-county/>.

¹⁵ ALLISON CHARETTE, PROJECTING TRENDS IN SEVERELY COST-BURDENED RENTERS: 2015-2025, JOINT CENTER FOR HOUSING STUDIES OF HARVARD UNIVERSITY 5 (2015), http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/projecting_trends_in_severely_cost-burdened_renters_final.pdf (stating that housing costs above 50% are considered a severe cost-burden).

¹⁶ JOINT CENTER FOR HOUSING STUDIES OF HARVARD UNIVERSITY, THE STATE OF THE NATION'S HOUSING 5 (2016), http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/jchs_2016_state_of_the_nations_housing_lowres.pdf.

¹⁷ *Id.* at 32.

¹⁸ See MATTHEW DESMOND, UNAFFORDABLE AMERICA: POVERTY, HOUSING, AND EVICTION, INSTITUTE FOR RESEARCH ON POVERTY 3 (March 2015), <http://scholar.harvard.edu/files/mdesmond/files/fastfocus2015.pdf>.

¹⁹ URBAN INSTITUTE, <http://apps.urban.org/features/rental-housing-crisis-map/> (last visited Dec. 12, 2016).

²⁰ HOUSING AUTHORITY OF THE CITY OF TULSA, FIVE YEAR ANNUAL PLAN FY 2016-2020 12 (2016), http://www.tulsahousing.org/Portals/0/General%20Documents/Agency_Strategic%20Plan/Agency%20Plan%20for%20website%209.1.15.pdf.

²¹ Interview with April Merrill, Lead Attorney, Medical-Legal Partnership Initiatives, Legal Aid Services of Oklahoma, Inc. (Dec. 1, 2016).

²² See generally JACK BLAIR, TULSA CITY COUNCIL, A HISTORY OF TULSA ANNEXATION 14 (2004), <http://www.tulsacouncil.org/media/79331/Annexation%20History.pdf> (showing the growth of Tulsa's boundary line as it competed for land annexation with outlying cities such as Sand Springs); see also CITY OF TULSA, <https://www.cityoftulsa.org/our-city/vision/vision-goals.aspx> (last visited Dec. 12, 2016) (stating that Tulsa has seen a 50-year trend of suburbanization).

²³ Interview with Shawn Schaefer, Director, Urban Design Studio at the University of Oklahoma (September 15, 2016).

²⁴ *Id.*

²⁵ FINANCIAL SERVICES DIVISION OF THE OKLAHOMA STATE DEPARTMENT OF EDUCATION, TECHNICAL ASSISTANCE DOCUMENT 6 (revised 2009), <http://sde.ok.gov/sde/sites/ok.gov.sde/files/TechAsstDoc.pdf> ("The Constitution provides that each school district may levy up to 5 mills for the purpose of erecting, remodeling, and repairing school buildings, or for purchasing furniture... Through various legal interpretations, the use of money in the Building Fund levy has been liberalized so that it can be used... for the purchase of equipment. In some cases, it is used even for operational expenses. The Attorney General has ruled that payment of property and casualty insurance can be made from this fund.").

²⁶ Interview with Shawn Schaefer, *supra* note 23.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

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⁶² See generally Drew, *supra* note 39 (“Many other factors must also be addressed, including reinvestment in the larger community, introducing services for residents and encouraging employment opportunities. To effectively and successfully combine these efforts takes a long-term commitment from area leaders and residents, business and government, that is difficult to achieve.”).

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