

HOUSING TASK FORCE MEETING

TUESDAY – JANUARY 11, 2011 – 6:00 PM

The meeting was called to order by Mr. Hach at 6:00 PM. The City of Painesville Housing Task Force Meeting convened in a meeting in Courtroom #1, with the following in attendance: Chair Paul Hach, Abby DelaMotte, Andrew Flock, Dave Komjati, Richard Tibbits, City Manager Rita McMahon, Assistant City Manager Doug Lewis, and City Planner Russ Schaedlich. Father Vellenga was absent.

Motion by Mrs. DelaMotte seconded by Mr. Tibbits to approve the minutes of the November 9, 2010 Housing Task Force Meeting. By voice vote, all members answered “yes”. The minutes were unanimously approved.

Mr. Hach stated he would allow public comments during the meeting up to two minutes per resident to present their views or to make inquiries on the topic of their choice. He asked that visitors stated their name and address for the record.

Mr. Fodor stated that, in taking a look at the foreclosure process, achieving a quicker resolve with the time it takes to obtain compliance and maintenance of the property is important. He asked if the Rental Housing Program had consequences for not participating? It does not seem to be as restrictive as possible. He stated that, at this time, it appears the majority of landlords are not participating.

Mr. Lewis explained that code conflicts were discussed at the prior meeting and staff are looking for some direction from the Housing Task Force. He asked if there were any areas that the members were opposed to and, if not, then staff would move forward and present the changes to the City Council.

Mr. Tibbits stated he had questions and an issue with Section 1137.12 relating to Parking and Loading – specifically the definition of stake bed vehicles and the fact that it does not indicate what size can stay on a property. Should there be a size limit? What is the size of the bed? Is it 6 feet or other? He felt that the code needs to provide more specific criteria for those in charge of enforcing the ordinance.

Mr. Schaedlich stated that box trucks should also be considered.

Mr. Flock asked what was considered a box truck?

Mr. Schaedlich replied that it would include a box placed on a chassis – similar to an ambulance.

Mr. Hach asked if there needs to be details in the definition?

Mr. Tibbits stated there needs to be some measurement. It is too ambiguous.

Mr. Schaedlich stated that more appropriate descriptions can be created.

Mr. Tibbits stated that we can make a size limit and describe the nature of the truck.

Mr. Lewis stated he researched definitions and many jurisdictions base it on weight, length, height width and/or a combination of these. He also stated that some codes list the type which is similar to the City of Painesville.

Mr. Komjati asked how does RV's and campers apply?

Mr. Schaedlich stated that it is addressed in a different section of the Code.

Mr. Tibbits stated Section 1349.28 describes the letters sent for approval and he asked if the letter can be e-mailed or faxed?

Mr. Lewis stated that yes it can be in the form of a fax, email, or letter to request an extension to correct any property maintenance violations. In addition, he stated that staff presented a form that could be filled out and returned or filled out and submitted on-line.

Mr. Tibbits asked for an explanation of Section 1349.31.

Mr. Schaedlich responded that it is housekeeping to refer to the correct section numbers that apply.

Mr. Tibbits asked what is being changed in Section 1349.261? Is the ordinance being changed to match the rental registration ordinance in order to be consistent? Mr. Lewis responded yes.

Mrs. DelaMotte stated that posting letters on the property was determined not to be adequate service for violations. She asked why plywood was excluded in 1369.07 – Window and Window Treatments? Boarding up windows is a red flag and it should be addressed. She suggested painting the plywood to match the house.

Mr. Flock stated that Slavic Village is creating art on the plywood which has a more artistic effect. He asked if putting plastic covering on porches was permitted? Ms. McMahon explained there is nothing in the code exempting it unless it becomes unsightly and needs repair.

The consensus of the members of the Housing Task Force was to proceed with all the items except the overweight and unlicensed vehicles.

Mr. Lewis then presented the vacant property/building registration information. He stated that the City has a number of vacant properties and provided examples of some highly visible properties that the ordinance would address such as the Steele Mansion. He explained that the City spends a lot of time to maintain these properties and obtain compliance with property maintenance violations. He stated that the proposed ordinance would require that a contact person be provided. In Ohio, there are 23 communities that have adopted a vacant building ordinance. The proposed ordinance is modeled after South Euclid, with portions incorporated from Cleveland Heights and Cincinnati. Mr. Lewis explained the purpose of the ordinance, which is to encourage the property owner to get the property occupied quicker and make sure that it is maintained properly. He stated that (e) of the definition section is very important because it provides an explanation of how the Housing Inspectors determine the property is vacant. He explained that registration would be required within 90 days of the date the property becomes vacant. If they are notified by the City, they need to register within 30 days. This applies to properties that have been vacant more than 90 days but did not register. If they do not register, the ordinance provides for a late registration fee equal to the annual registration fee or \$1,000, whichever is less.

Mr. Tibbits asked about unsafe buildings and who determines this?

Mr. Lewis stated that the Chief Building Official makes the determination and explained he is under Community Development Department.

Mr. Flock asked where the Community Development Department is referenced in the Code?

Mr. Tibbits stated that “vacant” is not necessarily the word. He suggested that it should be “abandonment”.

Mr. Lewis referenced D (8) of the definition section of the ordinance.

Mr. Lewis referenced abandoned properties.

Mr. Tibbits asked if abandonment will be a faster way to get the property either occupied or torn down?

Mr. Flock asked who determines abandonment? What is the process?

Ms. McMahon explained the court would have to declare the property to be abandoned.

Mr. Tibbits asked if the ordinance applied to commercial property.

Mr. Lewis responded that it did. After looking further at D (8), he suggested that a D (9) be added to the definition of vacant property to read: 9) Unoccupied and abandoned by the property owner.

Mr. Flock asked where non-conforming use properties come into play?

Mr. Lewis stated that they don't. The vacant property registration form is modeled after the rental registration form. Mr. Lewis explained the registration process and that the owner of a vacant building must submit a plan. Section C explains the options for owners which includes the following plans to be submitted: 1) demolition plan, 2) plan for securing property if it is to remain vacant, or 3) a rehabilitation plan for the building and grounds.

Mr. Tibbits asked if this applies to foreclosures? Will the City require foreclosures to go through a housing inspection? Are we sure we want to do these inspections? Is the City ready to spend the money?

Mr. Flock asked how many houses are vacant?

Mr. Lewis replied that there are approximately 150 vacant buildings in Painesville. Since they become vacant over an extended period of time, it will not be a burden to inspect. The only time it will create a significant amount of work if the ordinance is implemented. As a result, staff is required to schedule inspections for all the pre-existing vacant buildings. In the future, it will be done as they become vacant rather than at one time.

Mr. Flock asked where the properties are located?

Mr. Lewis stated that the properties are throughout the City and not located in one particular area.

Mr. Tibbits asked about the foreclosure process. Will interior and exterior inspections be done? If so, the City should notify any prospective buyer about any violations.

Mr. Lewis said that this assumes a more comprehensive inspection than what will be done. The purpose is not to require that the house be brought up to current building code, but to make sure that it is in compliance with the property maintenance code and safety issues are addressed.

Mr. Tibbits asked how far will the inspections go? Mr. Lewis stated the main purpose is to identify safety issues or major property maintenance violations such as a leaky roof.

Mr. Flock asked if the new purchaser will be made aware any violations?

Mr. Lewis stated that the title companies often call to determine if there are any assessments and/or property maintenance violations. The Housing Inspectors inform realtors of issues as well.

Mr. Flock asked about mortgages?

Mr. Tibbits stated that realtors want to move properties. While some people will rehabilitate the properties, many of the realtors do not want to present negative facts. He stated that everyone should be in favor of getting the property cleaned up.

Mr. Lewis thinks the ordinance will provide incentives to get a home back on the market as soon as possible because the fee will go up each year it is vacant. He explained that properties that are listed with realtors are exempted from the registration.

Mr. Flock asked if the City goes after the owner if they vacate the house? He inquired how the City will get the money from them if they move and leave the property vacant?

Mrs. DelaMotte stated that the City will go after the property owner by assessing or placing a lien on the property.

Mr. Flock asked if the mortgage company was ultimately responsible.

Mr. Komjati stated that before the property transfers the fees are paid.

There was discussion of liens on a property and how the City would get paid for the registration fees.

Mr. Flock stated that properties are being torn down in Slavic Village.

There was discussion of how the inspection process will work. Mr. Lewis explained that the City is looking for compliance of property maintenance violations and safety issues.

Mr. Lewis discussed the fees and consequences.

Mr. Tibbits asked about insurance and escrow. He asked if these are standard and inquired where we got the numbers? Mr. Lewis explained that the costs include replacing the home and/or business as well as the costs to demolish the building. Mr. Tibbits asked if we can add a replacement value?

Mrs. DelaMotte corrected Mr. Lewis stating that it is liability insurance, not homeowner's insurance. Mr. Lewis stated that is correct.

Mr. Lewis stated that the escrow for demolition should cover the cost of demolition.

Mr. Hach stated there should be exemptions for properties that are on the market as rentals. Specifically, he mentioned Dan Smith's properties. He mentioned that some have been for rent for over 90 days and inquired about how they would be regulated.

Mr. Tibbits stated that rentals should be exempted. He suggested that properties with "for rent" in the window be exempted.

Mr. Lewis explained that there are buildings for rent that have been that way for years. He explained that putting a "for rent" sign in the window would only serve as a loophole to avoid registering vacant properties. Mr. Lewis explained the goal of the program is to get the building occupied so that new jobs can be created and surrounding properties can benefit.

Mr. Tibbits said that there are a number of nice houses, but the prospective renters are not qualified. He stated that, for this reason, it could end up on the market longer than 90 days. What do we do if no one qualifies?

Mr. Hach stated that there is an appeal process and those given notification can appeal.

Mr. Lewis explained the appeal process.

Mrs. DelaMotte suggested that we look at what the owner is doing to rent the properties and what percentage of occupancy they have for all their properties. If they have a good track record, it should be exempted.

Mr. Lewis explained staff could look at this and incorporate language to address rental properties.

Mr. Hach asked if the members liked this direction and if there were any other clarifications?

Mr. Tibbits stated he has worked to discuss this issue before and he wants to move forward working with the community and getting results.

Motion by Mrs. DelaMotte, seconded by Mr. Komjati to recommend the vacant property registration ordinance to City Council. All members agreed. Motion carried. The ordinance will be sent to Council.

The next meeting is scheduled for Tuesday, February 8, 2011.

Motion by Mr. Komjati, seconded by Mrs. DelaMotte, that the meeting be adjourned. All members agreed. The meeting was adjourned at 7:10 p.m.

Rita C. McMahon
City Manager

Paul Hach
Housing Task Force Chairperson