

HOUSING TASK FORCE MEETING

TUESDAY – AUGUST 26, 2008 – 6:00 PM

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

Motion by Mrs. DelaMotte, seconded by Mr. Komjati to approve the minutes of the Tuesday, July 29, 2008 Housing Task Force Meeting. By voice vote, all members answered “yes”. The minutes of Tuesday, July 29, 2008 were unanimously approved.

The first item on the agenda was discussed, Cleveland Heights Nuisance Ordinance, which was also presented at the last meeting. Mr. Lewis described the ordinance from Cleveland Heights, which outlines the violations and processes to determine what a nuisance is within the City. The Police Department works with the Cuyahoga Metropolitan Housing Authority (CMHA) to address nuisances as defined in the ordinance. They can cite the property and the violation notice and fines are sent directly to the property owner. Mr. Lewis stated that if there is a major offense the tenant will be automatically removed by CMHA.

Mrs. DelaMotte stated that the Crime Free Multi-Housing Program does the same thing. She stated that it sounds like the MOU could compliment and go hand-in-hand with the nuisance ordinance.

Mr. Lewis responded that it creates another way to enforce the regulations that can be effective for other areas regardless of rental versus owner occupied residences. Mr. Lewis explained how enforcement occurs as reflected in section A and B of the ordinance.

Mr. Tibbits described the Crime Free Housing Program and the list of violations and what the impacts of being evicted create for a Section 8 tenant. If a tenant is evicted, they are kicked out of the program for three (3) years. Mr. Tibbits stated that their income is at risk, so often they leave the program rather than being evicted. Mr. Tibbits stated the problem with the Crime Free Multi-Housing Program is that it does not include smaller numbers of units. By them not being part of the program, they get the rejected people from the bigger complexes. Often the owner's of the smaller units do not conduct background checks. Mr. Tibbits also expressed his concern that the smaller units are not being informed of the Crime Free Housing Program.

Ms. McMahon explained the Crime Free Rental Housing Program, which is similar to the Crime Free Multi-Housing Program, but is designed for rental property outside of complexes such as single-family property. The City is sending officials to get training on this program. She indicated that the nuisance ordinance gives more teeth to address single family issues regardless if renter or owner-occupied.

Mr. Tibbits indicated he liked the idea of the crime-free housing program in conjunction with the nuisance ordinance because it would provide more teeth. Both programs address problems and he is supportive of them.

Mrs. DelaMotte stated that the Police Department and Courts need to be on board because they have to enforce the measure.

Mr. Tibbits stated the question in court is always, "Does the owner of the property know?" He stated that with the Crime-Free Multi-Housing Program, when the owner is in court, they can't say they were not notified. If the owner did not get the information, they can always say they did not know what was happening.

Mr. Hach asked if there was a downside to requiring people to be part of the Crime-Free Program?

Ms. McMahon explained that the City of Painesville could require rental owners to participate with an ordinance or the committee can make it voluntary or an elective. She stated that people are moving and in the last eight (8) months the Crime-Free Multi-Housing Program has worked well.

Mr. Tibbets suggested that the Crime-Free Housing Program be voluntary because we would have the nuisance ordinance to address any problems.

Ms. McMahon explained that the nuisance ordinance would provide sanctions. It provides another means to declare tenants to be a nuisance as well as providing documentation which puts the teeth in enforcement. The nuisance ordinance helps us take the extra step to alleviate any problem properties.

Mrs. DelaMotte thought the MOU is an important part of the issue.

Father Vellenga asked what the MOU would accomplish?

Ms. McMahon explained that it enables the sharing of information between entities and keeps negative elements from moving from place to place.

Mr. Tibbets stated that if the property owner was not involved in the Section 8 program through the Lake Metropolitan Housing Authority (LMHA), then they would not be aware of any problems. They would have to be notified. He suggested that we work with the Executive Director of LMHA, Steve Knotts.

Ms. McMahon suggested that the administration modify the legislation to fit Painesville and review it with the Courts and Police Department. Once we received their approval, it would be returned to the Task Force for consideration.

Mr. Tibbets agreed and asked recommended that the City keep looking into the Crime-Free Housing Program for properties that do not meet the criteria for the Crime-Free Multi-Housing Program.

Mr. Hach introduced the second item on the agenda – Revision of the Mowing Process.

Mrs. DelaMotte indicated that she liked the short-term notice (48 hours) developed by the City of Cleveland Heights.

There was discussion about the process being used by the Housing Inspectors. Mrs. DelaMotte stated that she thought our process was lengthy and costly. Cleveland Heights go right to the mowing within 48 hours.

Mr. Lewis indicated they can post rather than send a certified letter. The City ordinance allows this already. The City would just need to change our process. He explained that we also want to work with people if they notify the City and cannot mow within the time period specified.

Mrs. DelaMotte stated that the staff needs to go there anyway. The staff can just post a notice on the property when they are inspecting.

Mr. Tibbets stated that his experience with posting eviction notices is similar. A certified letter can delay the process. The process should be simple and easy to follow. It would be easier to do this before going to a more complicated procedure.

Mr. Hach asked about the cost charged with mowing?

Ms. McMahon stated the cost of the contractor plus a 25% administrative fee.

Mr. Lewis stated that the banks look to the City to be their mowing service and often these are the more difficult mowing situations.

Mr. Hach indicated this is an issue with abandoned homes. The fee should be higher.

Mrs. DelaMotte asked if there is a problem with commercial property?

Ms. McMahon replied that it is not generally a problem.

Mr. Lewis indicated so far this year the City mowed 137 properties and sent out 347 letters.

Mrs. DelaMotte asked how many banks owed the City and Mr. Lewis replied it is difficult to determine because banks may foreclose but not record the deed.

Father Vellenga stated the City should increase the cost to cover mowing and get the notices out more quickly.

Mr. Tibbits asked for the number of banks owed and in foreclosure properties mowed?

Mr. Lewis reiterated that we do not know and described how foreclosures happen.

Mrs. DelaMotte asked that the City look at raising the fees and costs for mowing -- possibly on a graduated scale. She asked if we could develop a fine for multiple cuts?

Ms. McMahon agreed that we need to make it more expensive each time we have to mow.

Mr. Hach stated the last item on the agenda was a review of the International Property Maintenance Code (IMPC).

Mr. Tibbits stated the code is generic. It seems our codes are more specific. He stated it feels like a guideline.

Mrs. DelaMotte stated that she liked Cleveland Heights ordinance on rubbish and garbage. We need to look at how we can get compliance or clean-up the properties ourselves like Cleveland Heights.

Mr. Tibbits indicated that everything in this sample is in the Code currently.

Mr. Lewis advised that some areas of the IMPC are more specific and strict than our existing code. The City is looking at how we can use this to compliment our current code. The IMPC breaks it down so that it is easier to find sections, which makes it easier to cite for violations. It would be easier for inspectors to find what section is to be used.

Mr. Lewis further explained that it can complement our code; however, inspectors are currently familiar with the existing property maintenance code.

Mr. Komjati asked if the IMPC was more widely recognized. Mr. Lewis responded that it was more widely recognized.

Father Vellenga asked if the City could have a compatible re-write of our code?

Ms. McMahon replied that we would need to look for conflicts that may create a problem for enforcement.

Mr. Lewis stated we would look for areas of conflict but we could adopt both and cite based on the code that is most familiar.

Father Vellenga stated he understands that the issue is not as much a problem with the code but the inspections of the properties.

Mr. Tibbits said he thought this code keeps it simple.

Mr. Komjati asked if the IPMC would be an appendix or addendum to the existing code.

Mr. Hach asked that the staff go through our code and check for any conflicts and identify where there needs to be any adjustments. The City may have to clear up some sections and bring it back to the Task Force.

Mr. Tibbits stated some areas of the City Code could be dropped if the City feels the IPMC is more appropriate.

The next Housing Task Force Meeting was scheduled for Tuesday, September 30, 2008 at 6:00 PM in the Courtroom #1.

Mr. Tibbits raised an issue based on a conversation with the Building Department. He asked if we can get the Building Department here to find out what are the most pressing issues such as yards, exterior maintenance, neighborhoods that are going downhill, and what are the inspectors' recommendations to increase their efficiency and productivity? He stated he is looking for feedback from the staff of the department.

Ms. McMahon agreed, but stated that this is the responsibility of Mr. Lewis and Mr. Schaedlich.

Mr. Lewis stated there is need to be proactive. A second inspector has been hired and they are looking to address the main City corridors. The other inspector can now give more attention to the problem properties.

Father Vellenga asked if the City was being proactive? For example, before a compliant is received the City can do an inspection of the area rather than wait for the complaint.

Mr. Lewis stated they are beginning with eternal maintenance issues that are visible and work with the properties to get compliance.

Ms. McMahon indicated the City will bring a list of feedback to the Task Force from the Department about how to make them more efficient.

The meeting was adjourned at 7:08 PM.

Rita C. McMahon
City Manager

Paul Hach
Housing Task Force Chairperson