



AD HOC COMMITTEE ON HOUSING & RESIDENT SAFETY
Friday, February 21, 2020 @ 3:30 p.m.
City Council Conference Room

The meeting was called to order at 3:30 p.m.

Council Member Spitzley, Chairman
Council Member Hussain, Vice Chair
Council Member Betz, Member

Others Present:

Sherrie Boak, Council Office Manager
Jim Smiertka, City Attorney
Lisa Hagen, Assistant City Attorney/Council Research Assistant-
Brian McGrain, Economic Development & Planning Director
Scott Sanford, Code Compliance
Nancy Mahlow
Emily Brozovic, RPOAMM
Dale Hubrer
Belinda Fitzpatrick
Curtis Pratt

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE MINUTES FROM THE February 7, 2020 MEETING AS PRESENTED. MOTION CARRIED 3-0.

PUBLIC COMMENT

No public comment at this time.

DISCUSSION

Council Member Spitzley recapped that the AD HOC will hear from landlord representatives and tenants at future meetings, and the focus of this meeting is to hear from Economic Development and Planning on rentals. A list of questions was compiled and distributed to the Director on 2/14/2020.

Mr. McGrain distributed a brief handout he would go through outlining the process. (Included in packet) The presentation included the overview of housing Lansing, Code Enforcement Division, and the rental certification process. This information noted to the Committee that there are 55,000 +/- housing units in the City, 29,000 +/- rental units, and they track rentals by "building" so approximately 8,500 single units and duplex and 1,500 multi-family buildings. The single family units are inspected every 3 years, and the multi-family every 2 years, but if they inspect in "pristine" condition, it can be extended another year. Council Member Hussain asked if a multi-family unit changes ownership if they get inspected at that time and the 2 year inspection cycle starts over. Mr. McGrain noted that a change of ownership does not constitute an inspection, Mr. Sanford added that the new owner can pay a fee and assume the certificate. The next slide outlined the Code Enforcement Division and their work load split into 9 areas based on rental units. Council Member Hussain asked if there was a "floater" and Mr. McGrain stated that once they are fully staffed they can assign a floater to other properties. Council Member Hussain noted that in the past there were 10 districts and he would like to see that again. Mr. McGrain admitted they have

looked into different methods. After reviewing the progress in 2019, Council Member Spitzley asked for an explanation on the differences between the letters sent. Mr. Sanford explained that "Failure to register" is when they find something that should be a rental. "Failure to comply" is when they find a violation on safety issues. Council Member Hussain asked if there are any changes to code enforcement staff, and was informed they are in discussions with HR, and have not been fully staffed until recently. They could make 2 lead positions, but would still have them in the field. Council Member Hussain read a section from Chapter 1460.05, which noted that re-inspections shall be for the purpose to ascertain that the violation was corrected. Mr. Smiertka said if they have a violation, they need to be given correction notice. Council Member Hussain pointed out that the ordinance is specific to re-inspections "shall" be done. Mr. Smiertka agreed they shall, that would be a requirement then sent to OCA for a performance ticket. Council Member Hussain then asked if the ordinance is specific to "shall" then why is Code accepting sworn affidavits from landlords instead of re-inspecting. Mr. Sanford explained that the affidavits are accepted when the violations are not life safety, and sometimes if it requires a permit, they can check with the building department. If they do not comply within process, Mr. Sanford stated they have to do a re-inspection. Council Member Hussain stated that this Committee is charged to looking at ordinances and the policies, and if the policy is not following the ordinance they need to look at changing one of them. If the practice is in place to accept affidavits for things not of a life and safety it can be bigger issues. The Committee will address if the language "shall" will remain and review to make sure the ordinance reflects practice. If it is okay to accept affidavits non-major issues, they should consider amending it. Mr. McGrain asked when they went to accepting affidavits, and Mr. Sanford stated over 20 years ago. Council Member Spitzley stated to the Committee and public that they do not want something in the code that is not enforceable and does not allow flexibility.

The presentation moved into the next slides on flow charts outlining rental certificates, failure to register process, safety inspections, fee schedule, and the premise complaint process. Mr. Sanford outlined the slides on rental certifications, noting they are scheduling 60-75 says out, and if there are no violations, they write up a notice and issue a certification. If there is a violation, they have 30 days to repair, and an extension can be granted, if there is still no compliance then the Failure to Comply letter goes out. With tagging a property, they do have two tags; one for single family and one for a multi-unit. If during an inspection if they do not comply, there is an option to vacate the property or have court ordered tickets. Council Member Betz asked if the Lansing Code is the minimal code they follow. Mr. Sanford stated that the minimum standards are if it is to be habitable. Council Member Betz asked if that is the only thing they look at, and Mr. Sanford confirmed they do go beyond that. Council Member Betz asked if the landlords are made aware of the additional items, and was told by Mr. Sanford all items are included in the letter that is sent to the landlord. Mr. McGrain assured the Committee that when they do inspections the property owner/landlord is with the inspector on the walk thru. Council Member Betz informed Mr. Sanford that he has been informed from some landlords that the items the inspectors are looking for, they are not sure where they are coming from, so is there a certain way a landlord knows for sure what they are complying with. Mr. Sanford stated they always refer back to the State building, electrical, mechanical and fire code, so they have the authority to call for compliance on items. If the State requires a permit, it is referred to the building department for compliance. Council Member Spitzley then stated assuming an owner has a certain level of knowledge on what they need to do, when someone purchases a rental property, does code assume the new owners also have the knowledge. And at the point of sale do they get information and how do they get the knowledge. Mr. Sanford clarified that the inspectors will explain as they go through the buildings and also direct them to the landlord associations. Any violations is an assessment against the real property. Council Member Betz went back to the process, noting Mr. Sanford said they have 30 days to comply and asked when that timeline started. Mr. Sanford said from the date of the inspection. Council Member Betz asked what the percentage was of the number of properties vacated vs. court ordered tickets. Mr. Sanford was not able to provide that information. Council Member Hussain referred to question 31 in the list provided to EDP, and asked when they find and issue do they provide written documentation in an email to the Building Department or call them, and Mr. Sanford stated they do both. Council Member Betz asked if the concern was with building safety are they still provided 30 days. Mr. Sanford stated they use Section 108 of the Housing Code; health, life safety issues. These would include no water, no heat, and hoarding, holes in the roof or the walls. If it does not fall under Section 108, they cannot tag. Mr. McGrain moved onto "Failure to Register" noting that they have written 1,000 failure to register and they are in a partnership with other divisions in the City when they find properties that could or should be rentals. Council Member Hussain asked if this is a wide spread issue, and if there are things the City is not doing that Council can address. Mr. McGrain noted that they would take any complaint they can get, and they can be anonymous. Council Member Betz asked how long it takes to do an inspection after getting the complaint and was told 48 hours if a premise complaint, if it is safety, depending on the issues, they could be out the same day. The Committee

evaluated the fee schedule in the presentation. Council Member Spitzley asked if the fees are adequate to do the job efficiently or do they need to look at the fees. Mr. McGrain stated he could not provide an answer at this time, because they need studies to be done and evaluated. Council Member Spitzley added "Evaluate Fee Structure" to the Committees results. Mr. Sanford stated he has proposed additions to the fee in the budget. Regarding the fees, Mr. McGrain stated they do make people aware when speaking to them on the phone.

Council Member Hussain asked if they have done any internal research on energy efficiency standards. Mr. McGrain admitted they have not had a conversation, but have discussed affordability construction, incentives per the Michigan Building Code.

Council Member Spitzley asked when they know inspections are due and if there are any cases where there are 6 or more re-inspections. Mr. Sanford stated that when it is first registered and will expire in 3 years. That deadline can change if not renewed and timing of inspections, and recertifications. If it does expire for more than one year, they have to re-register. Mr. McGrain noted they do coordinate with other agencies and departments. One example would be, they are working with the Refugee Development Center on the language barrier when speaking with refugees. Speak communication with refugees.

Council Member Spitzley referenced question 21, noting that will need to be discussed in the future. She then asked question 23, and if they have policy in place that scores landlords/tracks issues with landlords and is there a point at which a landlord would be ineligible to receive rental registration through the City of Lansing. Mr. McGrain confirmed there is no policy in place. Council Member Spitzley then asked if there is a policy that if they are aware there is a bad landlord, can they not issue a rental certificate and Mr. McGrain confirmed they do not have that tool. Council Member Betz spoke in support of having tools that can make the process better.

Council Member Spitzley asked if they are working with the City Housing Umbudsman, and encouraged his presence in the EDP office because he has the resources when they have the housing situations with tenants and the structures.

Mr. Smiertka encourage a future discussion on blight court or blight administration which is an excellent cooperation with District Court. Council Member Spitzley asked if that would allow for higher penalties and was told it would.

Council Member Spitzley specifically asked about Autumn Ridge and why it took 3 months to do the inspections, and Mr. Sanford stated that when they get a complaint they respond within 48 hours. When they inspect they have to notify the landlord to meet on site. If not on site they will still do the inspection, document, and then send them a letter. Council Member Betz asked if the tenants have protection from eviction once they call code. Mr. Sanford asked for specifics, noting that beyond the scope of what codes they have, they have resources they can refer tenants to. They do not get involved in civil dispute with landlord tenants.

Council Member Hussain acknowledged the department for their presentation, clarifying that if they do not have the tools, what can Council do to make sure they have the tools and asked them to think of what they need.

Mr. Sanford encouraged all Council Members to ride with an enforcement officer, and Council Member Spitzley told the Committee if they have an interest to schedule with Mr. McGrain.

Council Member Hussain asked if a neighbor called in on a premise issue, when the officer goes out does he evaluate the entire block. Mr. Sanford confirmed they do, and the call remains anonymous.

Mr. Smiertka submitted a document that listed the cases and status in the time frame from 2017-2020. These cases are when code has not been successful and have to write a ticket, and have been adjudicated in the court.

AD HOC ON HOUSING & RESIDENT SAFETY -COMMITTEE GOALS 2020

Council Member Spitzley stated these would be finalized at the next meeting, and once set will appear at the bottom of all future Ad Hoc on Housing and Resident Safety agendas.

- **Ensure safe and appropriate housing for renters.** Work to identify deficiencies in the current code/policy and develop policies, procedures, and ordinances to provide stronger penalties for non-compliant landlords.
- Identify programs **and policies** to assist property owners in bringing their property into compliance.
- Expand on the existing OCA lead task force/work group on addressing problem properties and tenant protections at those properties.
- Develop recommendations that provide **additional centralized location resources** for tenants to obtain information on their **tenant** rights, educational material, resources. **Develop additional protections for tenants** against discrimination and provide support **to tenants who are seeking to utilize their rights.**

Council Member Spitzley noted the March 6th agenda will finalize the goals and it will be an opportunity for each Committee member to invite 2-3 landlords to speak.

PUBLIC COMMENT

Ms. Brozovic asked to speak also on March 6, 2020. She then referenced the ordinance 1460.05 and change to “shall” and the “minor vs major” asking for more clarification on what is minor and what is major. Lastly she noted that different inspectors focus on different things and it should be clarified.

Mr. Pratt stated his opinion that it is a landlord/tenant issue and it needs to be addressed to solve.

Ms. Mahlow also spoke on the need for the word “shall” in the ordinance Chapter 1460.05 and wanting a definition on “reasonable time”. She asked for clarification so it is clear to tenants and landlords.

Ms. Fitzpatrick spoke on code compliance issues at her resident in regards to tall grass and mowing. Ms. Fitzpatrick was advised by the Committee to attend the Committee on General Services where they are tasked to address complaint where they pertain to nuisance violations such as tall grass. Council Member Hussain provided her a date of March 10th as their next meeting.

Mr. Huber asked the Committee to look into raising the penalties and fees.

Ms. Mahlow asked the City and Code Compliance to work with utility companies to prevent shut-offs. Council Member Spitzley noted it would be a discussion for Code and the Housing Umbudsman to work together on situations where it could occur.

Council Member Spitzley reminded the group the next meeting, March 6, 2020 will focus on landlords. Each Committee member should recommend 2-3 landlords to attend the meeting.

ADJOURN

Adjourned at 5:06 p.m.

Respectfully Submitted by:

Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee on July 10, 2020