

**CITY OF CORVALLIS
PROPERTY MAINTENANCE CODE ADVISORY GROUP
MEETING AGENDA**

4:00 p.m.

Tuesday, November 12, 2013

Corvallis/Benton County Public Library Main Meeting Room
645 NW Monroe Avenue

- I. Visitor comments (up to 10 minutes)
- II. Review October 29, 2013 meeting notes
- III. Overview of anticipated Property Maintenance Code compliance/Neighborhood Outreach program budget and staffing
- IV. Continued discussion of prioritized issues related to Corvallis Property Maintenance Code content, standards and applicability (*updated list of the Advisory Group's prioritized issues is attached*)
- V. Next steps
- VI. Other business
- VII. Visitor comments (if time allows)
- VIII. Adjourn

MEMORANDUM

November 8, 2013

TO: Property Maintenance Code Advisory Group
FROM: Ken Gibb, Community Development Director
RE: November 12 meeting packet

During your November 12 meeting we will focus primarily on two areas: the budget and staffing elements of a Corvallis Property Maintenance Code compliance program, and a continued discussion of priority issues identified by members of the Advisory Group. We expect to spend 20-30 minutes on the first item, and the remainder of the meeting working through priority Code-related issues.

We are finalizing the budget and staffing materials and will provide them for your review on Tuesday. We are attaching an updated version of the prioritized list of issues that was introduced at your October 29 meeting. The two issues in bold text toward the end of the document are those that we did not have a chance to discuss at that meeting. Our hope will be to reach consensus again as we did on some of our discussion items at the last meeting, but if that is not possible we'll again have your thoughts recorded for consideration as we move to the next steps of program design.

Please note that this meeting will again be held in the Corvallis Benton County Public Library main meeting room, located at 645 NW Monroe. As we mentioned last meeting, we will plan for the meeting to run until 6:30, and hope that still works for everyone.

Finally, based on Advisory Group member schedules it appears that our best opportunity for a final meeting will be Tuesday, December 17 at 4:00 p.m. We will let you know the meeting location as we get closer to that date; please let us know as soon as possible if you have a conflict.

We look forward to seeing you November 12.

City of Corvallis
Property Maintenance Code Advisory Group
Notes for the meeting of October 29, 2013

Meeting time: 4:00 p.m. Location: Corvallis Library Main Meeting Room, 645 NW Monroe Avenue

Members present: Allie Bircher, Amy Harding, Charlyn Ellis, Jerry Duerksen, Karen Levy Keon, Kari King, Ken Gibb, Rachel Ulrich

Staff present: Bob Loewen, Dan Carlson, Chris Westfall, Kent Weiss

- I. Visitor comments – Don Barstaad stated that many homes in Corvallis are in need of repair, adding that if repairs are going to be carried out a licensed, bonded and insured contractor should be hired.

Stanley Rich noted that he believes current City codes cover all necessary building standards. He added that OSU students have access to legal services when needed. He suggested that any additional code enforcement staffing resulting from the upcoming levy be focused on ensuring buildings meet current codes.

Kenny Davidson stated that he feels a rental inspection program should be put in place, and opined that property owners with nothing to hide would have no reason to fear it. He called for transparency about housing conditions so the community will have better awareness.

- II. Chair Gibb thanked visitors for comments. He asked for comments or corrections regarding the October 23, 2013 Advisory Group meeting notes. None were offered.

- III. Gibb introduced Housing Program Specialist Loewen to provide an outline of staff's thoughts on an approach to outreach and education efforts related to the Property Maintenance Code (PMC). Loewen provided an outline of current outreach efforts he undertakes in conjunction with delivery of the City's Rental Housing Program, noting the many organizations and entities he works with to deliver or coordinate the delivery of information. He then listed several groups that the City could reach out to in order to expand on current efforts, including neighborhood associations, tenant groups, advocates for underrepresented groups, OSU through Corvallis Collaboration-driven enhancements to student services, and housing providers.

Loewen noted that new materials will be prepared to inform people about the PMC, and that to ensure cultural sensitivity they will be translated into languages other than English. An increased Web presence will also be implemented, but will not be the only tool used given that some who will seek assistance will not have access to that technology. Loewen noted his anticipation that creating awareness of the PMC's existence will be a major early challenge.

Kari expressed a desire for educational tools to help tenants from other cultures understand how to be a good renter, and also to give them a basic understanding of appliances and how to use them. Loewen stated that OSU's INTO program for international students does some of this already, and he sees potential for the City to help enhance this effort once OSU's expanded student services programs are in place.

Amy suggested that the City work with the Corvallis School District to offer family education and outreach about how to be a good renter, and about assistance programs that exist in the

community. Jerry added that much of this type of information, targeted to students, will be coming from OSU.

Karen suggested that a key to engaging certain subpopulations will be to build trust, which requires that the outreach and education program be both consistent and sustainable. If not enough time or financial resources are invested, the program will not be sustainable and trust will be lost.

Charlyn expressed a desire for OSU to provide a direct point of contact for neighbors having issues with student renters. Kari suggested that neighbor-to-neighbor contact can also be an effective way to deal with students who may be causing problems, and that perhaps neighborhood associations could facilitate this approach. Amy agreed this could be helpful, but also noted that neighbors who feel intimidated should not have to try to resolve situations themselves. Charlyn agreed, stating that neighbors should only try a direct contact approach once if they are comfortable, and that if the situation is not resolved they should contact the police.

Code Enforcement Supervisor Westfall noted that in his code enforcement work in Oxford, Ohio he had been involved with an organized, annual outreach effort for students conducted jointly by Miami University and local government representatives. The program was intended to enhance civility by sharing information about how to be a good neighbor.

General discussion about the Corvallis Police Department's Special Response Notice program followed, with agreement that more outreach to landlords as problem rentals are identified would be helpful and appreciated.

Kari suggested that a household manual describing how to be a good renter could be created, and could stay with a unit over time to help tenants on an ongoing basis.

- IV. Before beginning a discussion about prioritized, PMC-related issues that have been raised to date by the Advisory Group, Gibb offered a reminder that the Group was formed following City Council direction to staff to carry out PMC program design work with input from stakeholders. The question of whether or not to implement a PMC is not under consideration at this point; rather, the question being considered is what that PMC should or should not contain.

Gibb then asked Housing Division Manager Weiss to provide an overview of prioritized PMC issues. Weiss began by reiterating a discussion that began on October 23 related to whether the PMC should require that a tenant contact their landlord with a request to address a PMC-related issue prior to contacting the City to seek assistance. He reminded the Advisory Group that some had felt this should be required because many leases require such contact, as well as to give landlords an opportunity to do what is needed without the City becoming involved. Others had suggested that some tenants feel too intimidated to contact their landlord because of fear of retribution, and that going to the City directly would be a better option for them.

Gibb asked Loewen about his experience with this issue in delivery of the City's Rental Housing Program. Loewen stated that he does hear from tenants who fear retribution and do not want to contact their landlord. Amy restated her earlier position that tenants should go first to their landlord to have a repair made, but also understands why some tenants may fear doing so. Kari pointed out that a tenant would be in violation of the lease she uses if they did not contact her prior to complaining to the City. She feels that most property managers use a lease with similar provisions. Amy questioned whether such a lease provision could legally prevent a tenant from contacting the City.

Jerry suggested that perhaps property managers should not be concerned if the City is the first point of contact. He recalled that both Loewen and Westfall had contacted him in the past to relay complaints about City code issues in units he manages, and that he was appreciative of this approach. He does not feel that it should be a problem for the City to be contacted.

Amy suggested that the City's outreach and education efforts should communicate that tenants should first attempt to get resolution of PMC issues by contacting their landlord, and then if that does not work they should contact the City. Weiss suggested that the City's PMC operating procedures could have code compliance staff ask if the tenant has communicated with their landlord about a complaint issue when first contact with the City is made, and if they haven't, recommend that they do. If the tenant has already contacted the landlord with no resolution of the issue, or is not comfortable making contact, the City would move forward with the complaint process. Allie asked if the same approach could be used when a landlord has been given a list of complaint items but has only responded to a few; Weiss agreed that this seems to fit within the model he was outlining. Gibb noted that it appears there is an Advisory Group consensus that this approach would be acceptable.

Moving to the next priority issue for additional Advisory Group consideration, Weiss reviewed an earlier discussion about the PMC requirement that all Corvallis properties contract for garbage/rubbish removal, and in the case of residential rental properties, that the landlord contract for this service. Westfall clarified that in these cases the landlord is responsible for contracting for services and providing an appropriate container, and the tenant is responsible for depositing their garbage/rubbish in the container(s). In response to a question regarding the scope of the problem, Westfall explained that the City currently receives about 100 garbage-related complaints each year.

Kari stated her opposition to requiring landlords to contract for services on behalf of their tenants. She suggested that the City put the charge for services on each property's utility bill. Gibb stated that these services are billed directly by Republic Services, which operates independently of the City. Amy asked what the required time frame for waste collection would be. Westfall explained that Republic Services provides weekly pickup but that on-call service is also available for customers using large containers (dumpsters).

Charlyn stated that it seems some residences do not currently have waste removal services, as garbage at some properties continues to pile up. Westfall stated that the PMC would address this issue. Jerry suggested that leases for rental properties should require tenants to contract for waste removal services, and if the City receives a complaint the landlord should be contacted, and it will get resolved. Amy noted that code complaint data provided by staff at the last meeting shows garbage complaints accounting for a large proportion. Amy agreed that all properties should be required to have garbage service, as it is part of living in the community. Requiring service would help with the perception that the City doesn't address this problem when it arises.

Amy asked who would be responsible for getting waste containers to the curb on collection day. Westfall explained that the tenant is responsible for getting waste into the containers, and the expectation is that they will take the container to the curb. If they do not, however, it would be the landlord's responsibility under the PMC. Jerry suggested that leases could require tenants to take the container to the curb, and include a financial penalty for the tenant if it is not done.

As discussion of this item wrapped up there was consensus that all properties should be required to contract for garbage/rubbish removal services. However, there was no consensus regarding who should be required to contract for the services for residential rental properties. Gibb noted that staff will poll other cities to see how they have handled this issue.

Weiss introduced the Advisory Group's third priority discussion item, regarding whether there should be a minimum space requirement for bedrooms. He directed the group's attention to an area taped out on the meeting room floor representing a 7'x10' room – the minimum space that would meet the PMC requirement for the room to be used for sleeping. Westfall explained that this space requirement is considered the minimum suitable to handle a bed and furnishings and still allow safe movement through the space for safe use and egress. In response to questions from the group, Westfall responded that he has seen very few spaces that were originally built as bedrooms that are smaller than 7'x10', but that he does see rooms that have been created by modifying larger spaces, or by repurposing smaller ones, that are smaller than 7'x10'.

Kari suggested that if someone agrees to sleep in a room that is smaller than 7'x10' it should be allowed. Charlyn stated that people may not be agreeing to live in those conditions, but instead may feel they have no choice. Kari pointed out that if the Benton County Assessor says a home has three bedrooms and one of them is smaller than the minimum, it should be considered acceptable for sleeping. Westfall stated that the Assessor considers only how a room is used, and does not apply any standards when they classify it for assessment purposes.

Kari and Jerry both stated they had seen a few bedrooms smaller than 7'x10'. Kari suggested that historic homes may have been built with bedrooms smaller than this standard. Westfall reiterated that in most cases these are probably conversions of other spaces, but that the Code Official would have the latitude to render an interpretation that could find a space smaller than 7'x10' acceptable. Rachel stated that she feels strongly that 7'x10' is the minimum space that should be allowed for a bedroom. It was suggested again that if a tenant agrees to a bedroom that is smaller than 7'x10' it should not be considered a violation. Allie stated her support for the 7'x10' minimum, and pointed out that she and others she knows have lived in rentals with bedrooms smaller than the standard, but that they were unaware of the size because they were not given an opportunity to inspect the unit before signing a lease and moving in. She stated that this is a common practice; Loewen agreed that he has heard from tenants who were not given an opportunity to see a unit prior to signing a lease.

Wrapping up discussion on this issue, Gibb noted that it sounds like there is general consensus among Advisory Group members that a 7'x10' minimum space requirement for bedrooms is acceptable as long as there is an exception process built into the PMC and its implementation procedures that would allow smaller spaces if they were originally built that way, and are otherwise safe and suitable for use as a bedroom.

V. Adjournment. The meeting was adjourned at 6:32 p.m.

Compiled PMC Advisory Group Priority Discussion Items for 10/29 and 11/12 Meetings

Rachel

1. Should a tenant be required to contact their landlord to request repairs before they may file a complaint with the City?
2. Should an electrical outlet in each bathroom be required? What if the current electrical system cannot accommodate an outlet in a bathroom, would the unit need to be rewired?
3. Is there rationale for the IPMC's floor space requirements for sleeping rooms and living/dining rooms?
4. Why should the City and its Property Maintenance Code be concerned about the condition of interior, non- load bearing walls (paint, plaster) in owner-occupied homes?
5. If this code is to apply to all property in Corvallis, why does it fall on rental property owners to pay for its implementation and enforcement? *[Can be postponed until 11/12]*
6. The combined larger scope of city involvement in property maintenance issues and the possibility of the city serving as the "first responder" role regarding property maintenance issues will result in a huge work-load increase for city staff and continued inability to keep up (even with additional funds and fees to landlords). *[Can be postponed until 11/12]*

Jerry

1. Garbage contracts.
2. Tenant-Landlord contact in some form prior to a formal complaint filing.
3. "First Responder" role... November 12th?
4. Who pays for what? November 12th?

Amy

1. Most complaints have been around behavior and exterior property maintenance issues. Why not try to address only those for now?
2. How to pay for implementation of any program (even the existing one)? I think it should be based on the number of bedrooms, not by unit.
3. Mandatory garbage pick-up - paid for by owner.
4. Closer collaboration with the police department so that landlords are aware of behavioral issues before the property is deemed a nuisance (this would likely mean a much more immediate response and less frustration on the part of neighbors (and perception that landlords don't care...))
5. Landlords, if expected to address issues, need to be informed of issues.

Karen

1. Whether tenants have to notify landlord before the city.

Charlyn

1. Older homes are not perfect....maintain and not tear down when the code requires major upgrades. Some flex on windows and other design features.
2. Levels of engagement-- ie. foundations are huge, bathroom locks on owner occupied, not so much so-- must be very clear.
3. Tracking and progressive enforcement-- very clear and with real teeth.
4. Garbage-- I think it should come as part of the rent. There's too much trash piled up around here waiting for someone to haul it off.

Allie

1. Should a tenant be required to contact their landlord to request repairs before they may file a complaint with the City?
2. What if a room has a dimension of less than 7 feet? Would that mean the room could not be used for sleeping?
3. I would like to see further discussion on how landlords can take part in the education process-- especially if they may be leasing to first time off campus students who may not know what is/is not acceptable housing.

Kari

1. Owner/landlord required to contract for garbage rubbish removal. In the attached sample lease agreement it is very clear who is responsible for the garbage removal. As the PM the added labor and expense to deal with Republic Services is very much a burden that I do not feel landlords need to incur.
2. Room dimensions , space requirements & glazed areas.
3. Tenant must contact the landlord first as stated in the sample lease. I do not feel the city has the right to overrule my lease which clearly states that tenants need to notify the landlord.
4. The use of level & plumb throughout the code.
5. Protective treatment, locks on bathroom doors.
6. Official shall have the authority to render interpretations of this code and to adopt policies and/or make modifications.

Compiled/Common Issues for Discussion on 10/29

Requirement for tenant to contact landlord before City opens a violation complaint?
(completed/consensus reached 10/29)

Who should be required to contract for garbage/trash removal? (completed 10/29, no consensus)

Rationale/need for minimum floor space requirements? (completed/consensus reached 10/29)

Code applicability to exteriors, interiors? (carry over to 11/12)

Role of CPD, landlords, other partners in education and outreach? (completed 10/29)

Applicability of PMC to residential/non-residential properties? (carry over to 11/12)

Issues for Discussion Following 11/12 Budget Overview (new items or items carried over from 10/29)

Program costs and how to pay them?

City capacity to act in the role of “first responder” for the proposed program?

Code applicability to exteriors, interiors?

Applicability of PMC to residential/non-residential properties?