

City of Corvallis
Property Maintenance Code Advisory Group
Notes for the meeting of August 27, 2013

Meeting time: 4:00 p.m. Meeting location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Amy Harding, Jerry Duerksen, Karen Levy Keon, Kari King, Ken Gibb, Rachel Ulrich
Members absent: Allie Bircher, Charlyn Ellis
Staff present: Bob Loewen, Chris Westfall, Kent Weiss

- I. Introductions – Self introductions of members and staff.
- II. Overview of meeting packet – Chair Gibb provided a summary overview of the meeting packet, including a staff report entitled “Attachment 3 – Property Maintenance Code and Related Recommendations” that was distributed during the meeting.
- III. Discussion of work group operating protocols – a discussion of the protocols that will be used to conduct the work of the Advisory Group, concluding in consensus that:
 - A. Meetings will follow a “managed discussion” approach to achieve balanced participation. Members will wait to be recognized by the chair. Members are encouraged to share their perspectives with other Advisory Group members.
 - B. Tables and chairs will be arranged more appropriately to encourage face to face interaction of the Advisory Group members.
 - C. A public comment period of approximately ten minutes will be provided at the beginning of each meeting. A longer comment period may be provided at a later meeting if needed. Written comments from audience members will also be accepted.
 - D. Advisory Group members have been selected to represent certain community interests; all are encouraged to share information with and bring comments from those they represent.
 - E. Meeting notes capturing the gist of discussions will be kept by staff, and provided to Advisory Group members in subsequent meeting packets.
 - F. The recommendations of the Advisory Group will be arrived at via consensus.
 - G. Information pertinent to the topics of each meeting will be provided by staff in advance. Advisory group members may request specific information from staff, and staff will try to accommodate those requests as resources allow. Requests should be directed to Housing Division Manager Kent Weiss at kent.weiss@corvallisoregon.gov.
 - H. Any e-mails sent to or by City staff are considered part of the public record.
 - I. The Chair will attempt to limit the duration of meetings to two hours.
 - J. Meeting dates, times and packets will be posted on the meeting calendar on the City’s Web site.
- IV. Next steps, questions and other business – Code Enforcement Supervisor Chris Westfall provided a brief overview of the International Property Maintenance Code (IPMC), the code that is envisioned as the basis for the Corvallis Property Maintenance Code. Although the overview was general, it was clarified that the Code applies to properties of all types, including residential, commercial, industrial, and vacant land. It was noted that in-depth discussions of the IPMC will occur during the next two Advisory Group meetings, on September 10 and September 24. It was also noted that future discussions will address tools to evaluate Corvallis Property Maintenance Code performance and community impacts, and how the new Code will either integrate or supplement existing City codes.
- V. Adjournment

City of Corvallis
Property Maintenance Code Advisory Group
Notes for the meeting of September 10, 2013

Meeting time: 4:00 p.m. Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Amy Harding, Charlyn Ellis, Jerry Duerksen, Karen Levy Keon, Kari King, Ken Gibb
Members absent: Allie Bircher, Rachel Ulrich
Staff present: Bob Loewen, Chris Westfall, Kent Weiss

- I. Visitor comments – None, but a question regarding where copies of the International Code Council’s 2012 International Property Maintenance Code (IPMC) are available. Staff explained that the copyrighted IPMC is available from the International Code Council, and from online sellers of published materials.
- II. Review August 27, 2013 meeting notes – Meeting notes were accepted as submitted.
- III. Overview of IPMC standards and provisions – Chair Gibb explained that staff will provide an overview of the IPMC over the course of two Advisory Group meetings. The overview will focus on portions of each chapter of the IPMC, and members are invited to ask questions. Questions that cannot be addressed quickly will be noted by staff so that they can be considered comprehensively later in the IPMC review process. He asked Advisory Group members to record questions and areas of interest for prioritization in advance of upcoming discussions about IPMC implementation protocols.

Code Enforcement Supervisor Westfall reviewed a matrix highlighting areas of current City of Corvallis code coverage and gaps relative to the IPMC. He then provided an overview of the IPMC standards found in Chapter 3 (General Requirements), Chapter 5 (Plumbing Facilities and Fixture Requirements), and Chapter 6 (Mechanical and Electrical Requirements). Westfall’s overview included explanations of many of the provisions, their intent, and the rationale for their inclusion. Several questions were asked and answered over the course of the presentation; several others, along with concerns about specific IPMC content, were raised with the understanding that further discussion will occur during future Advisory Group meetings. Questions and points raised for future consideration included:

- How will responsibility for the condition and repairs required for fences be determined and enforced?
- What standards will be used to evaluate the condition and need to address a building’s exterior paint?
- What assurances are there that current interpretations of Property Maintenance Code standards, and staff’s explanations of its intended approaches to enforcement, will be continued into the future as new staff take over implementation and enforcement responsibilities?
- 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?
- Should indoor furniture being used and left outdoors be considered rubbish, and treated as such under the City’s Property Maintenance Code?
- Will the Code have provisions to allow residents to compost?

- Should the owner/landlord of a rental property be required to contract for garbage/rubbish removal? Can't that be required of a tenant through a property lease?
- Will the Code stipulate a required frequency of garbage/rubbish removal?
- If a tenant causes a pest infestation but does not address it before moving out, what redress does the property owner/landlord have?
- Is it practical/realistic to expect that there will be no pests (e.g., fleas) in outdoor areas of a property?
- Why should the Code be concerned with whether bathrooms/water closets have doors that lock?

IV. Other business/next steps – The September 24 meeting of the PMC Advisory Group will continue discussion of the IPMC beginning with Chapter 7, then Chapter 4, and concluding with Chapter 1. Chair Gibb reminded Advisory Group members to continue recording their PMC questions and areas of interest for future discussion.

V. Adjourn – The meeting was adjourned at 6:05 p.m.

City of Corvallis
Property Maintenance Code Advisory Group
Notes for the meeting of September 24, 2013

Meeting time: 4:00 p.m. Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

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

Members absent: Karen Levy Keon

Staff present: Bob Loewen, Chris Westfall, Kent Weiss

- I. Visitor comments – Kent Daniels noted that many single family homes have been converted from owner occupancy to renter occupancy in the recent past. He expressed support for the implementation of a Property Maintenance Code (PMC), pointing out that it would address policies contained in the City’s Comprehensive Plan. He suggested that the final product of the PMC Advisory Group’s work be presented to the Planning Commission; he recommended that PMC complaints be accepted from anyone, not just tenants; he expressed support for increasing the fee per rental unit from \$12 to the mid-\$30s figure that was identified in discussions of the PMC during the Corvallis Collaboration’s Livability Work Group meetings.
- II. Review September 10, 2013 meeting notes – A change to the first question on page two of the notes was suggested and accepted. The question now reads “Should the owner/landlord of a rental property be required to contract for garbage/rubbish removal?”
- III. Overview of IPMC standards and provisions (continued) – Chair Gibb noted that staff would be reviewing main concepts found in the remaining chapters of the International Property Maintenance Code (IPMC). He asked Advisory Group members to record questions and areas of interest for prioritization in advance of future discussions about PMC implementation protocols.

Code Enforcement Supervisor Westfall provided an overview of the electrical requirements found in Chapter 6 (Mechanical and Electrical Requirements), and then reviewed Chapter 7 (Fire Safety Requirements), Chapter 4 (Light, Ventilation and Occupancy Limitations), and Chapter 1 (Scope and Application). His overview included explanations of many of the provisions, their intent, and the rationale for their inclusion in the IPMC. Questions about specific IPMC content were raised with the understanding that further discussion will occur during future Advisory Group meetings. Questions and points raised for future consideration included:

- How will the PMC address non-operational fireplaces?
- 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?
- Should smoke detectors be required both inside and outside of bedrooms? (Westfall explained that this requirement aligns with current building and fire codes.)
- Is it necessary to be so specific with PMC standards, for example, the requirement that rooms have glazing equivalent to 8% of their floor space? (Westfall explained that alternative, mechanical means to achieve this lighting requirement could be utilized.)
- What if a room has a dimension of less than 7 feet? Would that mean the room could not be used for sleeping? (Westfall noted that this conclusion is correct, the room could not be used for sleeping.)

- Are there bases for the IPMC's floor space requirements for sleeping rooms and living/dining rooms? (Westfall explained that sleeping room requirements are based on what is needed to accommodate furniture and safe egress; living/dining room requirements are based on resident needs for usable space outside of their sleeping rooms.)
- Should the IPMC be applied to non-residential properties?
- How will a code inspector handle a situation in which they inspect for one complaint issue but find other issues that do not comply with the PMC?
- Who can grant access to a property for purposes of inspection? (Westfall explained that the party in control of the space would need to grant access for a City inspection.)
- Could complaints by non-residents (e.g., neighbors) be limited to exterior conditions only?
- How will the prosecution of violations be handled? Would an owner who refuses to paint the exterior of their home be guilty of a misdemeanor? (Westfall and Gibb noted that this will be covered in more detail during the next PMC Advisory Group meeting when the topic of PMC implementation protocols is discussed.)

IV. Other business/closing visitor comments/next steps – Audience member John Wydronek shared his opinion that the PMC should only apply to issues that have been problems in the past, and that the per unit fee in the mid-\$30s would be too high.

Chair Gibb reminded Advisory Group members to continue recording their PMC questions and areas of interest for future discussion. The next meeting date has not yet been finalized, but should be by the end of the week and staff will notify Advisory Group members once it is.

V. Adjourn – The meeting was adjourned at 6:10 p.m.

City of Corvallis
Property Maintenance Code Advisory Group
Notes for the meeting of October 23, 2013

Meeting time: 4:00 p.m. Location: Fire Station Meeting Room, 400 NW Harrison 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 – Brian Serbu of Coldwell Banker Valley Brokers noted he is unfamiliar with the charge of the Advisory Group and expressed concern with where it is going. Chair Gibb explained that the charge is based on City Council direction to staff, and noted that staff will provide him background on the Advisory Group’s charge and the Collaboration Corvallis process.

Larry Kampfer of Kampfer Enterprises suggested the Property Maintenance Code should be placed on a ballot before adoption. He feels the Code is not supported by the general public, and fears that Corvallis property values will fall if it is implemented. Karen Levy Keon shared that she believes the Mayor has charged the Advisory Group with moving forward with a Code to protect the interests of those in the community who do not feel comfortable speaking for themselves.

Debra Weaver of the Willamette Association of Realtors said she believes the Mayor and some City Councilors think the Property Maintenance Code would apply only to rental units. Jerry Duerksen stated that the Advisory Group has been aware that the Code would apply to all properties, but that others in the community are probably not aware. Gibb noted that the model International Property Maintenance Code that is the starting point for the Advisory Group’s discussions applies to all properties. Amy recalled earlier Advisory Group discussion that applying the Code to all properties would avoid creating different classes/subclasses of people.

- II. Gibb thanked visitors for comments. He asked for comments or corrections regarding the September 24, 2013 Advisory Group meeting notes. No comments or corrections were offered.
- III. Gibb introduced Housing Division Manager Weiss to provide a brief overview of the organizational structure of the Community Development Department and the proposed changes that would create a Housing and Neighborhood Services Division from what is currently the Housing Division. He added that Weiss would then provide an overview of the Property Maintenance Code (PMC) protocols that staff have developed for use in program implementation.

Weiss provided an overview of an organizational chart depicting the Housing Division changes, noting that in addition to continuing to deliver federal programs for affordable housing and community development activities, the new Housing and Neighborhood Services Division will expand to include Property Maintenance Code (PMC) compliance, and outreach and education services for neighborhoods, OSU, tenants and landlords, and the community at large. He noted that the outreach and education topic will be covered during the Advisory Group’s October 29 meeting.

Weiss then provided an overview of seven PMC program implementation protocols, explaining that at this point they are a reflection of staff’s conceptual thinking as to how the program will operate. He noted that more specifics will be added to the protocols over time as the Advisory Group completes its

work and the PMC discussion moves on to the City Council. A copy of the protocols as outlined is attached.

Protocol 1 - Complaints: Weiss explained that on the recommendation of the Collaboration Corvallis Neighborhood Livability Work Group the PMC will operate as a complaint based program. Currently the City's Rental Housing Program requires that complainants identify themselves; the Development Services Code Enforcement program does not require complainant identification. As envisioned the PMC will not accept anonymous complaints; complainants may request to remain confidential, but must identify themselves.

Amy asked whether the number of complaints filed by specific individuals could be tracked. Weiss answered that reporting is not currently done in this way, but that the software system used to enter and track complaint responses could do so. Rachel asked if there would be penalties in place for people who file invalid complaints. Weiss said that had not been considered, but shared his opinion that if that were the case a potential complainant might fear bringing a complaint forward if they thought there would be a penalty if they were wrong and it was proved to be invalid.

Protocol 2 – renter-occupied units. Weiss explained that the timing of responses to complaints would be based on the severity of the issue being raised. He clarified that Code Compliance staff would verify resolution of all complaints in renter-occupied units. He noted that for less serious issues the current Rental Housing Program has had a ten-day response timeframe based on allowing three days for mailing, but given the predominant use of electronic communication staff wonders whether that time frame should be shortened to seven days. The group's consensus was that because the use of mail for communication is still common ten days seems appropriate.

Weiss went on to explain that the Rental Housing Code approach to achieving compliance is to require that a tenant first attempt to resolve a problem through direct communication with their landlord, and if the landlord fails to address the problem the City then gets involved. Development Services does not have such provisions in their approach to code enforcement, and responds directly to complaints with no additional tenant/landlord communication required. Weiss noted that staff are seeking feedback on the question of whether the Rental Housing Code requirement for tenants to contact landlords should carry over to the PMC.

Housing Program Specialist Loewen offered that the Rental Housing Code approach has been effective from his perspective. However feedback from underrepresented tenants suggests they have difficulty with this because they are fearful of repercussions if they complain directly to their landlord. Code Enforcement Supervisor Westfall added that in his experience entire neighborhoods have had fear of filing a complaint about specific property owners or residents.

Much discussion followed regarding a requirement that a tenant communicate first with their landlord before the City would accept their complaint, with no clear consensus emerging. Gibb noted that this question will be added to the list of topics to be discussed in more detail beginning with the Advisory Group's October 29 meeting.

Protocol 3 – owner-occupied residences and other building/property types. Weiss explained that based on earlier comments received from the Advisory Group, staff intends that for complaints in these property types they will follow the same time frame protocols outlined for renter-occupied properties, but that complaints for issues falling under the second and third priority levels, letters outlining a complaint and the Code standard that applies would be provided along with direction/instruction to correct the violation within a specified time frame. In these cases staff would not inspect the correction

unless a subsequent complaint(s) for the same issue was received. Karen asked whether the City could provide information about resources available to help building owners carry out repairs; Weiss agreed that in cases where the City is aware of such resources it would pass that information along.

Protocol 4 – scope of investigations. Weiss again referenced earlier Advisory Group discussions and concerns about staff investigating and taking action on issues that were not included in an original complaint. He explained that staff’s intent will be to investigate only the issue(s) forming the basis of a complaint, and not to conduct a comprehensive inspection of a unit once they arrive. However, if in the course of investigating that complaint something hazardous, such as dangerous/exposed wiring, is in plain sight, staff will have to address that issue as well. He also clarified that if multiple issues are included in a complaint, the investigation will be correspondingly broad. Charlyn asked how the City would keep its response narrow if a faulty water heater was reported but it turns out the home’s wiring is inadequate. Westfall clarified that in such cases the City could look at the capacity of a home’s wiring, gas piping and ventilation in order to determine why the water heater is faulty and how it should be addressed.

Protocols 5 and 6 – progressive enforcement. Weiss outlined the approach the City will take once a PMC complaint has been validated, noting that the City will provide a notice and order to undertake repairs within a specified time frame; if there is no response, a second notice and order and response time frame will be provided, and will state the City’s intent to proceed to legal action if the situation is not addressed. If at the end of the specified time frame there is no action to address the violation, the City will proceed to legal action.

Weiss continued, noting that comments provided to the Collaboration Corvallis Steering Committee and Livability Work Group suggested the City should implement increasingly severe penalties for repeat violators. In response the protocols include staff’s intent to develop and utilize a Code Compliance matrix to tailor responses based on the severity of violations, as well as the frequency of occurrences of the same violation in the same property or multiple properties under the same ownership. Westfall explained the concept of utilizing a civil citation and hearings officer process to give the City more flexibility to progressively address violations through civil rather than or in addition to criminal sanctions.

Protocol 7 – appeals. Weiss explained that in cases where someone feels a complaint about their property is in error they could appeal the notice and order. The City’s current appeal process would be utilized. Development Services Division Manager Carlson described the appeal process and the membership of the Board of Appeals, and noted that the Board currently hears appeals related to the Building Code, the Rental Housing Code, and the Fire Code.

- IV. Next steps. Gibb provided an overview of the next meeting (October 29), noting that it will begin with a discussion of PMC-related outreach and education, to be followed by a discussion of the questions, issues and concerns that have been raised by Advisory Group members. He asked that members review the list of questions/concerns raised to date (included in the October 23 meeting packet) and let staff know by noon on October 24 if they would like to add items for discussion on October 29. Staff will provide brief responses/explanations for the items currently on the list, to be included in the packet for the October 29 meeting. The packet for that meeting will go out October 25; Gibb asked that Advisory Group members review the list of questions/responses before the next meeting, and then communicate their top five issues back to staff to provide a prioritized framework for the next discussion. Members may also add new items to this “top five” list.
- V. Other business. Gibb referenced the responses to Amy’s questions about current code enforcement programs raised following the September 24 meeting; there was no additional discussion of the

responses. He then handed out the City of Albany Property Maintenance Code, noting that it is based on the International Property Maintenance Code. He cautioned that based on input from the Corvallis City Attorney's office, Corvallis would not follow Albany's approach of including the word "should," rather than "shall," where compliance standards are described in the PMC.

VI. Visitor comments. John Wydronek offered support for the City implementing the PMC with progressive enforcement provisions. He noted his concern in the case of rental properties about the City being notified before a landlord has a chance to resolve an issue, and asked that this aspect be looked at carefully.

VII. Adjournment. The meeting was adjourned at 6:03 p.m.

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.

City of Corvallis
Property Maintenance Code Advisory Group
Notes for the meeting of November 12, 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

Members absent: Rachel Ulrich

Staff present: Dan Carlson, Chris Westfall, Kent Weiss

- I. Visitor comments – None to begin the meeting; visitor comments were offered prior to meeting close (see VII. below).
- II. Chair Gibb asked for comments or corrections regarding the October 29, 2013 Advisory Group meeting notes. None were offered.
- III. Overview of anticipated Property Maintenance Code Compliance and Neighborhood Outreach/Education program budget and staffing. Gibb noted that the session would begin with a staffing and budget overview of the proposed Property Maintenance Code Compliance and Neighborhood Outreach/Education program, followed by a continued discussion of the remaining priority issues Advisory Group members had identified in advance of the October 29 meeting. He introduced Housing Division Manager Weiss to provide an outline of a draft budget for the PMC Compliance and Neighborhood Outreach/Education program.

Weiss began by noting that his budget overview would attempt to address two of the remaining Advisory Group priority issues – program costs and how to pay them, and the City’s capacity to act in the role of “first responder” for the proposed code compliance portion of the program. He referred to a draft budget handout, explaining that it reflects two full-time staff assigned to code compliance work, one full-time staff for the community, neighborhood, and landlord/tenant outreach and education element, and pieces of four other staff positions for administration and program oversight which add up to just under one FTE, bringing the total for the program to roughly four FTE. The total projected budget for personnel costs is \$400,000. Non-personnel costs would include a projected \$78,000 for costs of operation (overhead, materials, vehicle and equipment operations and reserves, supplies, training, etc.); \$10,000 for an abatement reserve fund (to provide funds for boarding up and/or demolishing dangerous buildings); \$30,000 for casual code compliance staff (part-time, on-call staff that would be utilized to help manage workflows in times of higher service demand); and \$10,000 for re-initiating the Neighborhood Empowerment Program, which would only occur if a specific future request to the City Council to fund that program is approved.

Weiss referred back to the expenditures just summarized, noting that staff feel they will be able to operate effectively with that budget in the “first responder” role that the Advisory Group has identified by 1) implementing the operating protocols discussed during the Group’s October 23 meeting, in which a scaled approach to complaint responses was described; and 2) making efficient use of casual employees to balance compliance capacity with demand. Weiss then identified a set of projected first-year, one-time expenditures for a vehicle, computer equipment, phones, and office setup that would be incurred, but for which no funding source has yet been identified. The projected amount, \$42,000, might be covered through a one-time surcharge on program fees,

through a direct allocation of funds by the City Council, through a combination of those sources, or through some other means.

Turning to the sources (revenues) portion of the draft program budget, Weiss explained that in line with City Council direction to staff for approaching program funding, a combination of General Fund (property tax) and fee-based resources is being identified. The \$130,000 in General Fund funding currently directed to Code Enforcement in Development Services would be applied to the PMC budget; an additional \$37,000 in recently-approved five-year levy funding for code enforcement would also be applied. The \$10,000 reflected in the budget for the Neighborhood Empowerment Program is being proposed for funding by the City Council. The balance of funding needed to cover expenditures, approximately \$351,000, would be generated through application of a fee assessed on rental properties much like the current Rental Housing Program fee. To cover the \$351,000, the fee would increase from the current level of \$12 per unit to a projected level of \$30 per unit. Weiss noted that earlier projections had estimated this number at \$35 per unit. This projection presumes the definition of "unit" remains unchanged, and is based on an estimated 13,000 units and a collection rate of 90%. Weiss closed, noting that in this funding projection, 34% of program costs would be borne by property taxes, and the remaining 66% would be supported by fees on rental units.

Amy asked why fees would apply only to rental properties if all properties would be covered by the Property Maintenance Code. Gibb explained that the balance between property tax support and unit fee support ties roughly back to the recent average of approximately 70% of code enforcement actions occurring in rental properties, and 30% in owner-occupied or non-residential properties. Amy asked what would happen with fees if the demand for code compliance remains flat or declines; Gibb answered that staff will plan to evaluate program costs prior to proposing an increase for City Council approval.

Jerry asked whether the current Rental Housing Program (RHP) provides reports on a periodic basis. Weiss responded that the Housing Division provides annual reports on the RHP to the City's Human Services Committee, which is a City Council subcommittee. Jerry suggested that reports on the Property Maintenance Code be similarly provided going forward.

Karen asked whether the budget includes progressive financial penalties that might be charged for repeated violations of the PMC. Gibb responded that the budget does not include those revenues. Staff are still discussing how civil penalties will be assessed; he cautioned that staff would be reluctant to show significant funding coming from this source, given that the program's goal will be to achieve compliance, not assess fines, and that experience in this area will be needed to get a better sense of how much revenue will be generated through fines/civil penalties.

Kari asked how many units are currently being billed through the Rental Housing Program. Weiss responded that approximately 13,000 units were billed for FY 13-14. In response to Kari's observation that the increasing number of rental units should be generating increased revenues, Weiss agreed, noting that this has helped offset the need for more frequent or larger increases in the Rental Housing Program fee. Kari asked about the basis for the current fee. Weiss responded that it is based on the presence of rental agreements, with fees charged to owners based on the number of agreements they hold versus some other means such as the number of bedrooms in a unit. He noted that Amy had made an earlier suggestion that the fee be based on numbers of bedrooms; Amy added that she had suggested this as one potential approach, another would be to assess the fee on a square footage basis.

Kari asked if units with HUD Section 8 tenants are still exempted from paying the RHP fee. Weiss responded that they are, as are units that have long-term commitments to providing low income/affordable housing. Kari suggested that because of the amount of time it must take to track units with Section 8 assistance, the City might look at ending the fee exemption. She then asked when the new fee is expected to be in place. Weiss responded that at this point it will most likely be put in place next fiscal year, and that the same or a similar billing cycle to that used for the RHP fee will be applied.

Discussion returned to the idea of changing the fee calculation from a per unit basis to a per bedroom basis. Amy, Jerry and Charlyn agreed this approach would be fairer and more logical. Jerry asked Weiss how many rental bedrooms there are in the City. Weiss said he is not sure, but would estimate, at an average of about three bedrooms per unit, there would be roughly 39,000. Using this number as the basis for billing would lower the annual cost for smaller units, and increase the cost for larger units. Weiss also stated that while the City has a good deal of data to determine numbers of bedrooms in units, it is incomplete and sometimes inaccurate. Jerry suggested that property managers could help improve the accuracy as they receive and process billings. Amy suggested that the City consider applying a cap to the total per unit billing amount.

Gibb summarized the conversation on billing, noting that it appears there is consensus that moving to a per bedroom basis is favored over the current per unit basis; he also reiterated that staff providing regular reports on the PMC's activities and effectiveness will be important. Karen noted that the Advisory Group has identified that data tracking and reporting will be important for evaluating success and needs for modifications. She suggested that tools 1) to monitor that the balance of funding to program costs remains appropriate, 2) to measure the impacts of the program, and 3) to provide dashboard indicators, be developed. Gibb agreed that these would be helpful, and noted that future survey work might also help evaluate effectiveness.

Amy asked for clarification of the costs for staffing and operating the new program. Weiss stated that the total projected personnel cost is \$400,000, and non-personnel costs add another \$128,000, for a total of \$528,000. Two existing staff members (Housing Program Specialist Loewen and Code Enforcement Supervisor Westfall) would move into the PMC/neighborhood outreach program. Westfall would focus on code compliance work, Loewen would focus on neighborhood outreach and education work. One new staff person would be hired to perform code compliance work. Portions of time spent by four other existing support/administrative staff would also continue, and would be borne by the program. Added up, the total FTE will be just under four. Funding supporting the two current staff and their program costs will transfer into the PMC program: roughly \$140,000 from the Rental Housing Program (the amount generated by the current \$12 per unit annual fee at a 90% collection rate), and \$130,000 in General Fund support from Code Enforcement. After applying the resulting \$270,000, the balance to get to \$528,000 is \$258,000, to be filled by new resources. This gap would be covered through the addition of \$37,000 in General Fund resources from the five-year levy, \$10,000 from a to-be-requested City Council allocation for Neighborhood Empowerment, and through the marginal increase in the annual per rental unit fee which would go from \$12 per unit to \$30 per unit (using the current basis of calculation). After applying the \$37,000 in levy funding and \$10,000 in Council funding for Neighborhood Empowerment to the \$258,000 gap, the balance is \$211,000; the \$18 per unit increase in the annual per unit fee (from \$12 to \$30), multiplied by 13,000 units (and then reduced to a presumed 90% collection rate), provides that \$211,000.

IV. Continued discussion of prioritized issues related to Corvallis Property Maintenance Code content, standards and applicability. After confirming Advisory Group understanding of the proposed program budget, Gibb turned to a discussion of the remaining priority PMC issues. He noted that an October 29 Advisory Group discussion regarding responsibilities for contracting for garbage service had not reached consensus, and that staff have spent more time discussing the issue. Weiss reminded the group that an area of concern was a proposed requirement that landlords both provide approved garbage containers, and contract with Republic Services for the removal of garbage. As discussed the tenant would be responsible for placing garbage in the approved/ provided containers. He suggested that staff would be comfortable with an approach that would not require the landlord to contract for garbage removal services as long as the Code is clear that in the end, if it is not removed as required, the landlord will be responsible. Westfall clarified that the model International Property Maintenance Code, as written, does not specifically require contracting for garbage service, but that it does require the landlord/property owner to provide approved containers and ensure that garbage is removed. Given this, there would be flexibility to allow landlords to write their leases such that tenants must contract for garbage service.

Kari asked for clarification about approved containers, stating that the only containers Republic Services will empty are the ones they provide. Westfall pointed out that if an owner or tenant does not want to contract with Republic, they currently may remove garbage themselves, in support of which the Code could be modified to define "approved containers" relatively broadly. Gibb suggested that Code language could be written to require landlords to provide approved containers, or require in their leases that tenants contract for garbage removal service. Kari supported this compromise. Amy pointed out that nearly half of the complaints the City receives through its code enforcement services deal with garbage. She has concern that if an owner is not required to contract for removal service, a tenant will choose to stop service and garbage will build up and become a problem. Westfall stated that in such cases it would ultimately be the landlord's responsibility to remove the garbage if the tenant failed to do so. Charlyn pointed out that the current system does not prevent garbage accumulation, and that is a serious issue in her neighborhood. Amy agreed, noting that garbage may often sit for weeks after a complaint is filed, before it gets removed. If the landlord is required to contract for removal services this problem could be resolved more quickly.

Gibb summarized that it appears there is Advisory Group consensus that the owner/property manager of a rental should ultimately be responsible for the removal of garbage, but no consensus on whether owners/managers should be required to contract for garbage removal service. He stated that staff will continue to work on this and bring a summary recommendation to the December 17 Advisory Group meeting.

Weiss summarized the status of discussion on the first two of the Advisory Group's four remaining priority Code issues on the list attached to the meeting packet: the program budget and staffing, and the City's "first responder" capacity. He asked for any further questions on budget or staffing, and there were none. He reiterated that the City will use a measured response approach to deal with Code complaints under which only more severe cases will receive immediate, in-person responses. Less severe cases may receive a letter that provides the appropriate Code standard and direction to address the violation in line with that standard. Capacity to respond will also be achieved through the use of temporary/casual employees as demand for code compliance services increases. Finally, he stated that staff anticipate and acknowledge that there will be a period of time after the new Code is implemented when numbers of complaints will exceed the City's capacity to

address them, but that there is an expectation that by applying the two remedies above and allowing time to catch up, the City should be able to overcome large/long term backlogs.

Gibb began a discussion of the final two PMC priority items, reminding the Advisory Group that the model PMC covers all properties, including owner and renter residential properties, commercial and industrial properties, and vacant property. He asked Westfall to circulate a handout containing photographs of owner-occupied residential properties and other property types with severe condition issues. Westfall provided an overview of the photos, noting that in most cases the City had no Code tool to arrest the deterioration of the properties, and instead had to wait until they reached a point of failure to apply the Dangerous Building Code. Amy asked if deterioration may result from an owner's inability to afford repairs, or from other issues such as mental illness. Westfall agreed this is sometimes the case, and that owner abandonment is also a common cause for deterioration. He suggested that the PMC will help the City move in more quickly in the future to address issues, and to connect owners with assistance resources where that is possible. Amy agreed that early intervention would be helpful.

Amy asked about a picture of peeling paint on a commercial building, and why the Code should find that to be a problem. Westfall pointed out that the paint in the picture contained lead, and as it deteriorated and peeled it caused a lead hazard on the sidewalk below. In response to Amy's question he clarified that interim repair measures could be applied in cases like these if a longer-term, more thorough plan to address the deterioration is in place. This approach would apply whether or not lead is/may be present in the paint.

Gibb stated that he hoped the protocols discussion during a previous Advisory Group meeting had helped demonstrate that staff will apply a reasonable approach to its code compliance efforts in determining how to pursue violations. Staff will look to elected officials to provide overall guidance on these matters. Kari agreed that having better tools to address serious problems is important, but expressed concern that there are minor issues staff could choose to pursue aggressively but inappropriately. Weiss reiterated that the current approach would address health and life safety issues aggressively, but that less aggressive tools (e.g., letters to property owners) would be used for minor issues. Amy also has concerns that the Code will be used inappropriately by people who want to use it to harass a neighbor they don't get along with. Westfall stated that he sees these instances on occasion, and while he would plan to send compliance letters in such cases, he would also provide resources related to mediation if it seems warranted.

In response to Kari's restatement of concern about minor compliance issues being contained in the Code, Westfall pointed to the Administrative Provisions of the Code, under which the Code Official has the ability to use professional judgment in their approach to gaining compliance, and that when conditions are not unsafe, alternative approaches to compliance may be approved. Kari stated that she still feels there are areas of the Code that should be softened.

V. Next steps. Gibb stated that staff will consider the Advisory Group's discussion and consensus items related to the PMC and neighborhood outreach/education program, and will plan to bring a general outline of the program, including provisions and implementation protocols, back for the Advisory Group's final meeting on December 17. Following that meeting, staff will again consider the input of the group as it prepares materials to bring forward for consideration by the City Council.

VI. Other business. There was no other business.

VII. Visitor comments. Debra Weaver stated concern about City staff entering owner-occupied homes to perform inspections of permitted work and then going beyond the scope of those inspections to identify Property Maintenance Code violations. Gibb noted that the program's protocols have been written to limit the likelihood of that occurring in cases other than those in which life safety issues exist.

John Wydronek recommended that the Code not include minor violation issues. He stated that he would like the Code to include progressive fines for repeat violations/violators. He opined that there may be legal issues for the City if the Code is applied differently among property types. He asked for a clearer explanation of the PMC/neighborhood outreach program's budget, and stated his opposition to the program's inclusion of the Neighborhood Empowerment program. Gibb noted that Neighborhood Empowerment would be an add-on that if included, would be funded with resources provided by the City Council, not through the per-rental unit fee. Wydronek then stated his opposition to including supervisory code compliance staff, and to a one-FTE neighborhood liaison position, noting that he does not feel the proposed staffing is justified.

Tom Jensen stated support for applying the Code's standards to both renter- and owner-occupied properties. He feels owners should also be charged to support the program. He expressed concern that where expensive repairs are required, people may be priced out of their homes.

VIII. Adjournment. The meeting was adjourned at 6:38 p.m.