



ADMINISTRATIVE SERVICES COMMITTEE

SPECIAL MEETING AGENDA

Tuesday, February 25, 2014
5:00 pm

Library Main Meeting Room
645 NW Monroe Avenue

- | | |
|------------------------------------|--|
| Discussion/ Possible Action | I. Neighborhood/Property Maintenance Code Program (Attachment) |
| Information | II. Other Business |

Next Scheduled Meeting

Wednesday, March 5, 2014 at 3:30 pm
Madison Avenue Meeting Room, 500 SW Madison Avenue

Agenda

Neighborhood/Property Maintenance Code Program

MEMORANDUM

February 20, 2014

TO: Administrative Services Committee
FROM: Ken Gibb, Community Development Director *Ken Gibb*
RE: Neighborhood Outreach/Property Maintenance Code program follow-up information

I. Issue

During the Administrative Services Committee's (ASC) discussion of a proposed Corvallis Neighborhood Outreach and Education/Property Maintenance Code program on February 5, 2014, several items of additional information were requested of staff.

II. Background

On February 5, Community Development staff provided ASC with an overview of a conceptual package for a combined Neighborhood Outreach and Education/Property Maintenance Code program. That overview included background and introductory information related to the origin of the program concept; outreach efforts that have been conducted to aid in program development work; a brief introduction to the International Property Maintenance Code, which has been identified as the base document from which a local Property Maintenance Code (PMC) will be built; and a review of the organizational structure, protocols and budget that would support delivery of the Neighborhood Outreach/PMC program. ASC discussion subsequent to staff's presentation resulted in requests for clarification, data, and follow-up information.

III. Discussion

Additional information requested by the ASC falls into three primary areas:

1. Gaps in coverage under current City codes, and examples of the types of issues that cannot currently be addressed because of those gaps;
2. Statistics related to past complaint and enforcement activity under the City's current Code Enforcement Program and Rental Housing Program;
3. A copy of the responses provided by staff to questions about the PMC that arose during its discussion by the City's Property Maintenance Code Advisory Group.

A discussion of each of these items follows, and information related to each is attached.

Gaps in coverage under current City codes, and examples of the types of issues that cannot currently be addressed because of these gaps:

Given that current building codes regulate and apply standards for new construction and building alterations, there is a significant difference between the condition of a code-compliant new or altered structure and the condition of a building that has been allowed to deteriorate to the point that it has become and must be declared dangerous. The existing Rental Housing Code provides certain standards for the maintenance of livability in rental units, but this coverage is limited. A property maintenance code addresses this gap by establishing comprehensive, minimum maintenance standards for all properties to keep them safe and habitable for their occupants, to maintain the community's existing building stock, and to address conditions that have negative impacts on livability.

A matrix entitled "Property Maintenance Code Coverage/Gaps by General Category" is attached to this packet as Exhibit 1. It was also included in the packet for the February 5 ASC meeting. In response to an ASC request, the information that follows the matrix in Exhibit 2 provides additional detail and examples of the types of issues staff encounters in the community that are either not covered, or are inadequately addressed under existing City codes. The items listed as examples in Exhibit 2 follow the sequence of the gap areas listed in the matrix. Many of the noted gap examples represent issues encountered by staff such as over-occupancy; interior and exterior site and building safety and security; plumbing, electrical and heating issues; sanitation/solid waste issues; and general building and site exterior issues. For each gap issue type, a citation of the section of the Property Maintenance Code that would serve as a basis to address that issue is noted. Staff will plan to provide a more detailed overview of these examples during the March 5 ASC meeting.

Statistics related to past complaint and enforcement activity under the City's current Code Enforcement Program and Rental Housing Program:

Exhibit 3 provides two tables containing statistical detail related to code enforcement activity from calendar year 2006 through 2013. The upper table contains data from the Development Services Division's Code Enforcement program including the numbers of case initiated and closed, as well as the numbers of unresolved cases on both an annual and a cumulative basis.

The lower table in Exhibit 3 presents numbers of Rental Housing Code-related issues reported to the City's Housing Division over the same 2006-2013 time period. It also provides the number of issues reported that were not subject to the Rental Housing Code and that thus could not be addressed through this program. It should be noted that some of the issues not subject to the Rental Housing Code were referred to and likely became cases of the Development Services Code Enforcement program, but because these issues would in most cases be re-reported by the original caller/complainant, the number of such referred cases is not known. Finally, the lower table in Exhibit 3 also includes the number of non-habitability issues addressed through the City's Rental Housing Program on an annual basis. These include things such as lease issues, deposits, evictions, fair housing, and general neighborhood livability.

Responses provided by staff to questions about the PMC that arose during its discussion by the City's Property Maintenance Code Advisory Group:

Exhibit 4 provides information drawn from the packet prepared for the October 29, 2013 meeting of the City's Property Maintenance Code Advisory Group. During the first set of meetings in that process, staff compiled PMC-related questions within the notes prepared for each meeting and then later in the process, asked Advisory Group members to prioritize the questions for further discussion. Exhibit 4 includes the questions raised and staff responses; notes of the October 29 meeting, attached as Exhibit 5, document the Advisory Group's discussion of its prioritized questions/issues.

During the ASC meeting of February 5, staff commented that hundreds of cities in the U.S. have implemented property maintenance codes based on the International Code Council's International Property Maintenance Code (IPMC). Exhibit 6 provides a brief list with three subset listings of some of those cities. The first subset includes comparator cities that were identified during research associated with the Corvallis-OSU Collaboration/Neighborhood Livability Work Group's initial consideration of a PMC; the second subset lists university and other comparably-sized cities; the third subset lists cities in the Pacific Northwest that currently utilize a IPMC-based property maintenance code. It should be noted that while the listing provided by the International Code Council includes over 800 jurisdictions, they are only the jurisdictions that worked directly with that agency to develop their property maintenance codes. The ICC acknowledges that many jurisdictions around the country have utilized the IPMC, but have done so without consultation or a license to do so.

IV. Requested Action

No specific action is requested or required as a result of the February 25 Administrative Services Committee meeting. Rather, the meeting is intended to serve primarily as an opportunity for the Committee to hear testimony about the proposed Neighborhood Outreach and Education/Property Maintenance Code program. Staff will plan to provide a brief overview of this report at the beginning of the meeting, and would anticipate that ASC will have additional questions following that briefing and/or the public comment session. Staff will plan to provide a more detailed overview of the IPMC-based Corvallis Property Maintenance Code document during the ASC's March 5 meeting.

Review and Concur:



James A. Patterson, City Manager

Property Maintenance Code Coverage/Gaps by General Category

Code Coverage *	IPMC	Exist Rental Housing Code	Municipal Codes	Fire Code	Building Code	
Occupancy Limits	Area Basis		LDC Flat Number			
Fire Safety	All Occupancies; all Systems	Smoke Detectors		Triplex +		
Building Alteration	Complaint Based			Occasional Inspection, Triplex+	Complaint Basis	
Interior Maintenance		All Occupancies; safe, sound, good repair	Plumbing, Heat, Security; Structurally Sound	Sanitation	Limited to Fire Hazard Conditions	**
	Light	All Occupancies; all spaces				
	Ventilation	All Occupancies; all habitable space				
	Electrical System	All elements safe; dwellings 3-wire service only			Limited to Fire Hazard Conditions	**
	Plumbing System	All Elements; to approved systems; no leaks or obstructions; H & C	Installed and maintained; no leaks or obstructions	Connected to approved discharge		
	Heating	68 F. @ center/ 2' in from exterior all habitable, work spaces, bath & toilet rooms	68 F. @ center all habitable rooms			
	Sanitation	All Spaces; clean, sanitary & good repair		No Public Nuisance		**
	Security	Egress-type Deadbolt, windows, basement hatch	Door Locks, window latches			
Exterior Maintenance		Structurally Sound & Good Repair; sanitary; vacant lots		Solid Waste Removal	Limited to Fire Hazard Conditions	**
	Weather & Water Proofing	Weather proof from wind, water, snow	Only water infiltration			
	Exterior Sanitation	All Areas; clean & sanitary		Rat Harborage Abatement		
	Solid Waste Removal	Required for All Occupancies		Removal Required, but not Service	Limited to Fire Hazard Conditions	
	Accessory Bldg Maintenance	All				**

* Coverage under general categories; not intended as an all-inclusive summary
 ** Enforcement under the Dangerous Building Code is applicable to buildings already in failure mode, beyond routine maintenance

City of Corvallis Current Code Gap Examples

Occupancy Limits

- **GAP:** Land Development Code applies a limit of not more than five unrelated adults in a dwelling unit without considering numbers or sizes of bedrooms/other living areas.
- The Property Maintenance Code (PMC) would tie occupancy limitations directly to quantifiable space provisions (areas of bedrooms, living room, egress, etc).

Fire Safety

- **GAP:** Common example, occupants of 1-2 Family dwellings have accumulations of personal possessions that obstruct or negate egress from a building in the event of a fire.
- **GAP:** Current provisions of International Fire Code only pertain to tri-plex and larger dwelling units.
- **GAP:** Current Rental Housing Code provisions only pertain to providing and maintaining smoke detectors
- PMC requires “a safe, continuous and unobstructed path of travel... from any point in a building to the public way” in all building types.

Building Alteration

- **GAP:** Not anticipated assuming building permits are obtained and licensed contractors perform the work.

INTERIOR MAINTENANCE

Light

- **GAP:** Common complaint that hall, stairway, or basement lights in 1-2 Family dwellings are not functional (due to something more than just a burned bulb). Often occurs in conjunction with water intrusion complaints. Also occurs in commercial rental spaces.
- PMC requires provision and maintenance of lighting in these spaces at all times.

Ventilation

- **GAP:** Clothes drier not ducted to the exterior resulting in a fire hazard, most frequently regarding 1-2 Family dwellings.
- **GAP:** Bath or kitchen fan present but very poorly functioning due to age or damage, allowing damp conditions and promoting mold growth.
- PMC provides standard for condition, and could be augmented with performance criteria.

Electrical System

- **GAP:** Common concern in residential and commercial properties when a roof leaks or a basement floods and submerges or otherwise affects electrical system components.
- PMC calls out these conditions for replacement of components exposed to water, with some exceptions.

Plumbing System

- **GAP:** Bathroom floors have torn or badly patched vinyl, or soft/spongy subfloors.
- **GAP:** Hot water is cold or is not “hot.”
- PMC requires that walking surfaces be maintained in sound condition and good repair, and provides a measureable standard for hot water.

Heating

- **GAP:** Current Rental Housing Code applicable only to habitable spaces (bedrooms, living/dining rooms, kitchens) – no requirement for heat in bathrooms/toilet rooms.
- PMC sets minimum heat requirements for habitable rooms, bathrooms and toilet rooms

Sanitation

- **GAP:** Interior hallways, foyers, laundry rooms in apartment buildings cluttered and unsanitary; single family owner- and renter-occupied dwellings with unsanitary conditions. Only addressed currently through application of the dangerous building code.
- PMC requires and assigns responsibility to keep clean and sanitary.

Security

- **GAP:** Entrance doors with “working locks” provided in form of door knob lock, but for which the latch does not engage the strike with sufficient overlap to keep the door closed; and, with no deadbolt.
- **GAP:** Current Rental Housing Code calls for working locks with no provisions for the achievement of a level of security.
- PMC requires doors and hardware be maintained sufficient to provide security for the occupants and possession, and specifically call out deadbolts.

EXTERIOR MAINTENANCE

Weather & Water Proofing

- **GAP:** Large gap under exterior doors for air intrusion.
- **GAP:** No weather stripping on door jamb.
- **GAP:** Drafty windows/windows with gaps.
- **GAP:** Basement exterior doors or windows that allow water to leak into non-living areas.
- **GAP:** Current Rental Housing Code requires prevention of water leakage, but only applicable to habitable spaces/living areas; not applicable to unoccupied basements, attics, storage areas, etc.
- PMC requires building exteriors and openings to be sound, in good repair, and weather tight.

Exterior Sanitation

- **GAP:** Property in outdoor areas that appears to be trash but turns out to be stored personal possessions.
- PMC requires all exterior property and premises to be clean and sanitary.

Solid Waste Removal

- **GAP:** Owner tells tenant trash on property is not their problem; tenant maintains that trash was present when they took possession, so is not their problem.
- PMC identifies and assigns responsible party.

Accessory Bldg Maintenance

- **GAP:** Detached garages, storage sheds deteriorating, fences falling down.
- PMC requires all accessory structures to be maintained sound and in good repair.

General Topics

- **GAP:** Owner occupied roofs, walls, windows not weatherproof.
- **GAP:** Deteriorated decks, stairs and handrails at 1-2 Family or owner occupied structures.
- **GAP:** Site lighting failed or inadequate to light exterior premises such as parking lots and walkways.
- PMC requires prevention of water intrusion through exterior surfaces, maintenance of stairs, decks and railings, and maintenance of hazard-free conditions.

**Corvallis Development Services Division Code Enforcement:
Violation Cases Created and Closed per Calendar Year**

Year	Cases Received	Cases Closed	Annual Difference	Cumulative Difference
2006	229	199	30	30
2007	401	285	116	146
2008	375	377	(2)	144
2009	501	520	(19)	125
2010	442	301	141	266
2011	355	263	92	358
2012	594	266	328	686
2013	550	217	333	1,019
Total	3,447	2,428	1,019	

The totals above represent all code enforcement case types. Approximately two-thirds of these cases represent livability and building code/permitting-related cases.

**Corvallis Housing Division Rental Housing Program:
Rental Housing Code/Program Issues Reported per Calendar Year**

Year	Habitability Code-related	Habitability Non-Code	Total Habitability	Non-Habitability
2006	173	125	298	619
2007	118	88	206	496
2008	184	135	319	574
2009	226	156	382	722
2010	200	144	344	951
2011	233	126	359	1,049
2012	170	118	288	734
2013	233	149	382	858
Total	1,537	1,041	2,578	6,003

Questions/Issues Raised by Property Maintenance Code Advisory Group through 9/30/2013

From the September 10 PMCAG meeting:

How will responsibility for the condition and repairs required for fences be determined and enforced?

- Staff will utilize GIS and aerial photo information as a beginning step of research into any complaint regarding deteriorated fences.
- Since the matter will require a complaint tied to one address but might well involve other property owners, the initial contact will be to simply issue a courtesy notice to all affected parties to a presumed boundary fence. The courtesy notice will advise the parties of the stated concern and will request an opportunity to meet onsite within an established period to collaboratively resolve any ambiguity.
- Staff anticipates that an established time period for initial onsite meeting will be within 30 days.

What standards will be used to evaluate the condition of and need to address a building's exterior paint?

- According to Section 304.2, all exterior surfaces shall be maintained "in good condition...peeling, flaking and chipped paint shall be eliminated and surfaces repainted".
- Section 304.6 stipulates that all exterior walls shall be "maintained weatherproof and properly surface coated."
- Staff anticipates responding to complaints regarding the exterior paint of a building by issuing a courtesy notice to the owner (responsible party, per Section 301.2). The courtesy notice will advise of the stated concern, will include an explanation of the codified standard and requirements, and will request an opportunity to meet onsite within an established period to confirm compliance.
- Staff anticipates that an established time period for inspection of such matters will be within 12 months.
- It is not anticipated that the City will receive large numbers of complaints about minor compromises of painted surfaces, but in such instances staff would anticipate using a measured approach and give priority to addressing the most serious issues.

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?

- Current Development Services and Housing staff will be charged with the responsibility to implement the future IPMC.
- Any new staff hired will be provided with extensive PMC training.
- Development Services currently operates with approximately 180 documented processes, procedures, and interpretations covering a wide variety of topics which help provide consistent guidance, particularly in cases of staff turnover. Housing also has a set of program policies and procedures which provide day-to-day guidance for programmatic interpretations. The new Housing and Neighborhood Services Division will continue these practices.
- Topics that are not specifically defined in the adopted Property Maintenance Code (such as is noted in IPMC Chapter 2) will have interpretations drafted.

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?

- Both interior and exterior conditions of buildings, regardless of occupancy, impact their habitability and the impacts of those buildings on the neighborhoods that surround them. A Property

Maintenance Code is intended to prevent the deterioration of buildings and in turn, the livability of the community.

Should indoor furniture being used and left outdoors be considered rubbish, and treated as such under the City's Property Maintenance Code?

- The City Council considered this matter in 2009 and then requested an update again in 2011. Each time it was determined that the current response approach should be continued.
- Staff evaluate whether the furniture items left outdoors have been discarded or are useless to determine whether they constitute Solid Waste, as that term is defined under CMC 4.01.010.
- If it is determined that an item is solid waste then it must be disposed of in a timely manner; however, if it is determined to not be solid waste then no action is taken.
- Under current City code there is no prohibition against allowing personal possessions to remain outdoors.

Will the Code have provisions to allow residents to compost?

- The model PMC does not explicitly address composting; however, Sections 308.2/308.3 require only that rubbish and garbage be placed in *approved* containers so the City could promulgate a standard for composting containers. The standards could include commercially produced composting containers, as well as design criteria for a do-it-yourself construction.
- CMC 4.02.040 RAT ERADICATION provisions specifically exempt residential composting of waste vegetable matter collected on private property from requirement for containment.
- Communities do specifically include language to support active composting of vegetable material (Portland is an example).

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?

- The rationale for assigning the responsibility to the owner is to eliminate confusion about whether the owner, the agent, or the tenant is responsible for providing the necessary storage containers and for ensuring removal of all solid waste.
- By assigning this responsibility to the owner (301.2, 308.1, 308.2.1/308.3.1), the continuity of containment and removal service is ensured, rather than introducing the potential for gaps or lapses in service coverage.

Will the Code stipulate a required frequency of garbage/rubbish removal?

- The model code does not state a specific frequency. The City's current intention is to align the requirements with CMC 4.01, or replace one with the other, and to include specific timeframes.

If a tenant causes a pest infestation but does not address it before moving out, what redress does the property owner/landlord have?

- Under state landlord/tenant law, the owner can address/correct the problem and charge the tenant's deposit for any associated costs.

Is it practical/realistic to expect that there will be no pests (e.g., fleas) in outdoor areas of a property?

- It is not realistic to expect that there will be no pests in outdoor areas of a property. What this provision of the PMC will accomplish is to provide a means to relief for someone who has an infestation.

Why should the Code be concerned with whether bathrooms/water closets have doors that lock?

- The intention of the provision of Section 503.1 is to ensure a meaningful measure of privacy for persons utilizing a common or shared toilet room or bathroom.
- The City has received complaints about rental living situations in which bathroom doors did not lock, and tenants felt their privacy/safety was being violated.

From the September 24 PMCAG meeting

How will the PMC address non-operational fireplaces?

- The requirement of Section 304.11 is specific to maintaining a chimney as structurally sound, safe, and in good repair. There is no requirement to maintain a fireplace as operational, simply that as an element of a chimney it (a fireplace that is operational, or not) must be maintained as structurally sound, safe and in good repair. Where a chimney is structurally sound but not effectively exhausting smoke from a fireplace, the fireplace could be decommissioned.
- Chimneys often provide the exhaust passage for fuel gas appliances, such as water heaters and furnaces.
- Even when a chimney is not utilized for any exhaust purpose, failure to maintain one will eventually result in deterioration and the danger of its collapse.

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?

- The provisions of Section 605.2 are intended to minimize or eliminate the use of extension cords, as they are a safety concern. Household extension cords are designed for light duty use and the amount of electrical current that one may safely conduct is limited by the size of its conductors; they are easily overloaded and susceptible to causing fires. Extension cords are more susceptible to damage (cut, compression, pinch) than is permanent wiring, and they present a trip/slip and a shock hazard in wet locations.
- Contemporary and properly functioning electrical systems can accommodate a new electrical outlet in a bathroom; although a new single circuit may need to be installed or a nearby one altered it is not likely that a unit would need to be completely rewired for this purpose.
- Materials and methods are available that allow for proper protection of surface mounting of wires and outlets so that destructive measures to expose interiors of walls or ceilings are typically not even necessary.

Should smoke detectors be required both inside and outside of bedrooms?

- Westfall explained during the September 24 meeting 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 during the September 24 meeting 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 during the September 24 meeting 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 during the September 24 meeting 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? (Reiterated in Amy's 10/24 e-mail)

- Providing minimums across all types and uses of properties is intended to ensure the ongoing maintenance of the whole built environment to:
 1. ensure consistent sanitation (garbage, rubbish, plumbing)
 2. minimize blighting impacts throughout the community
 3. protect the habitability and livability of both buildings and neighborhoods
 4. provide code authority under which to address safety concerns
 5. provide a dangerous building code standard

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?

- As explained during the October 23 discussion of operating protocols, the City intends to inspect/address only issues raised within the scope of a complaint, and will not seek to inspect on a more comprehensive basis when the complaint is of a limited nature. If during the course of inspection a hazardous situation is in plain sight of an inspector, that situation will need to be remedied.

Who can grant access to a property for purposes of inspection?

- Westfall explained on September 24 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?

- As described during the October 23 discussion of operating protocols, complaints would be taken for any violation covered by the Property Maintenance Code. Anonymous complaints would not be accepted. In non-renter-occupied properties, in-person staff responses to complaints would be limited to dangerous/serious issues and issues of illegal or over-occupancy.

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?

- It is not the City's intent to criminalize non-compliance with all of the Property Maintenance Code standards. Staff will continue to review alternative approaches to achieving compliance and establishing a flexible schedule of responses in cases where compliance is not achieved.

From the October 23 PMCAG meeting, and from Amy Harding's 10/24 e-mail

Should a tenant be required to contact their landlord to request repairs before they may file a complaint with the City?

- The City Housing Division's Rental Housing Program requires such contact; the Development Services Division's code enforcement program does not.
- Tenants have expressed fear (founded or unfounded) that complaining to their landlord will lead to retribution.
- Landlords have expressed concern that they should be given an opportunity to address issues directly, without the involvement of the City.

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 from fees to landlords).

- Approaches to limit the expansion of violations beyond the immediate scope of complaints were outlined on October 23. Information about anticipated budget and staffing issues will be provided during the Advisory Group's November 12 meeting.

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?

- Both rental unit-based fees and City General Fund resources will be used to support implementation of the Property Maintenance Code. Additional information will be provided during the discussion of the program's budget on 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.

Comparator cities with IPMC-based property maintenance codes and rental licensing/inspection programs identified during the Livability Work Group meeting process:

	<u>2010 Population</u>
Bloomsburg, Pennsylvania (Bloomsburg Univ.)	14,855
Charlottesville, Virginia (Univ. of Virginia)	43,475
East Lansing, Michigan (Michigan State Univ.)	48,557
Gresham, Oregon	105,594
Mansfield, Connecticut (Univ. of Connecticut)	26,543
Newark, Delaware (Univ. of Delaware)	31,454
Oxford, Ohio (Miami Univ.)	21,371

Selected comparator and other cities included in list of 800+ jurisdictions that have adopted an IPMC-based code, provided by ICC:

	<u>2010 Population</u>
Lawrence, Kansas (Univ. of Kansas)	87,643
Lexington, Kentucky (Univ. of Kentucky)	295,803
Delaware, Ohio (Ohio Wesleyan)	34,753
Norman, Oklahoma (Univ. of Oklahoma)	110,925
Columbia, South Carolina (Univ. of South Carolina)	129,272
Rapid City, South Dakota	67,956
Waco, Texas (Baylor Univ.)	124,805
Morgantown, West Virginia (West Virginia Univ.)	29,660
Cheyenne, Wyoming	59,466
Riverton, Wyoming	10,615
Normal, Illinois (Illinois State Univ.)	52,497
Idaho Falls, Idaho	56,813
College Station, Texas (Texas A&M)	93,857
Columbia, Missouri (Univ. of Missouri)	108,500
Annapolis, Maryland (U.S. Naval Academy)	38,394
Fort Collins, Colorado (Colorado State Univ.)	143,986
Stillwater, Oklahoma (Oklahoma State Univ.)	45,688
Manhattan, Kansas (Kansas State Univ.)	52,279
Fargo, North Dakota (North Dakota State Univ.)	105,549
Tuscaloosa, Alabama (Univ. of Alabama)	90,468
Dover, Delaware (Delaware State Univ.)	36,041
Valdosta, Georgia (Valdosta State Univ.)	54,518
Bangor, Maine	33,039

Selected Pacific Northwest cities with IPMC-based codes:

	<u>2010 Population</u>
Albany, Oregon	50,158
Portland, Oregon	583,776
Gresham, Oregon	105,594
Arlington, Washington	17,926
Auburn, Washington	70,180
Battle Ground, Washington	17,571
Bellingham, Washington (Western Washington Univ.)	80,885
Cheney, Washington (Eastern Washington Univ.)	10,590
Federal Way, Washington	89,306
Lacey, Washington	42,393
Oak Harbor, Washington	22,075
Olympia, Washington	46,478
Richland, Washington	48,058
Idaho Falls, Idaho	56,813



BRIEFING:
**Corvallis Neighborhood
Outreach/Property Maintenance
Code Program**

*Corvallis Administrative Services Committee
February 25, 2014*

Background

- Program concept developed during the Collaboration Corvallis/Neighborhood Livability Work Group process in late 2012/2013
- Livability Work Group's conclusion was that current codes are not sufficient to address property maintenance, housing conditions and livability concerns

Options Considered

- Three options considered by the Neighborhood Livability Work Group:
 - Implement a property maintenance code with rental licensing and proactive rental housing inspections, with commensurate staffing
 - Implement a complaint-based property maintenance code approach, also with commensurate staffing
 - Maintain existing City codes and staffing

Work Group/Steering Committee Recommended Approach

- Neighborhood Livability Work Group and Collaboration Steering Committee recommendations to City Council:
 - Implement a property maintenance code to apply to all Corvallis properties in order to close current code gaps
 - Create an equitable funding structure to support a complaint-based system
 - Provide staffing commensurate to program need

Work Group/Steering Committee Recommended Approach (cont.)

- Recommendations to City Council (continued):
 - Use culturally and linguistically appropriate education and outreach strategies
 - Develop a progressive enforcement strategy
 - Engage stakeholders in a review of future options for additional programs/policies (within two years of property maintenance code implementation)

Basis for Work Group/Steering Committee Recommendations

- Health, safety and neighborhood livability concerns
- Property maintenance code a key first step to addressing them
- A more comprehensive outreach and education program is needed
- Progressive enforcement with increasing penalties will be effective
- Additional measures may be necessary following evaluation of initial effectiveness

City Council Consideration and Direction to Staff

- Council received the Work Group/Steering Committee recommendation in May 2013 and directed staff to initiate development of an expanded outreach/property maintenance code program
- Staff proposed the formation of an advisory group with broad stakeholder representation to assist with program design

Model International Property Maintenance Code

- Developed by the International Code Council as part of a family of codes (e.g., building, plumbing, etc.)
- Intended to establish minimum maintenance standards for equipment, light, ventilation, sanitation and fire safety
- Used as a base document for property maintenance codes by hundreds of local jurisdictions around the U.S.



BRIEFING: Corvallis Neighborhood Outreach/Property Maintenance Code Program

Expanded Neighborhood and Community Outreach and Education

- Maintain information and referral services for landlords and tenants
- Implement a more proactive program for neighborhood and community outreach
- Become a point of contact and information for neighborhood associations
- Create a PMC-related outreach and education program element
- Improve integration of City outreach services with expanding OSU student-focused services

PMC Operating Protocols

- Complaint-based rather than inspection-based approach to compliance
- Anonymous complaints will not be accepted
- Interior and exterior conditions will be addressed for residential rental properties
- Only exterior and dangerous building conditions for owner residential and non-residential properties

PMC Operating Protocols (cont.)

- Unlike current Rental Housing Code protocol, tenants will be encouraged but not required to communicate with their landlord before filing a complaint
- Response approach and time frames will be tied to the severity of compliance issues
- Investigation of a single complaint issue will not be intended to become the basis for a comprehensive property inspection

PMC Operating Protocols (cont.)

- Municipal Court citation process to be utilized for failure/refusal to achieve compliance
- City's current Board of Appeals will hear appeals related to the Property Maintenance Code
- Anticipate annual program reviews by a City Council subcommittee

Corvallis Property Maintenance Code Standards

- The International Code Council's International Property Maintenance Code is being used as the starting point for local Code development
- Initial modifications have been identified/proposed as a result of the Advisory Group process
- These and any additional modifications to Code language will be detailed if/when City Council direction is provided to staff, after completion of the review by Administrative Services Committee

Draft Operating Budget – Expenditures

- Annual program operating expenditures approximately \$530,000
- Staffing includes three FTE for outreach and code compliance, with portions of other positions combining into a fourth FTE
- Funding for casual code compliance staff
- Initiate a reserve fund for abatement of dangerous buildings
- Reinitiate the Neighborhood Empowerment Program (funding request to be forwarded to City Council separately)

Draft Operating Budget – Revenues

- \$130,000 in ongoing General Fund support
- \$37,000 from recently passed property tax levy
- \$10,000 to be requested separately for the Neighborhood Empowerment Program
- Balance needed (~\$350,000) to be generated through an increase in the rental housing fee from the current \$12/unit/year to ~\$30/unit/year

Draft Operating Budget – Revenues (cont.)

- General Fund/property tax support equates to about 34% of budget; rental unit fees represent about 66%
- Funding balance approximates the current and anticipated focus of program resources between residential rental and other property types

Next Steps

- February 25 ASC meeting: public comment opportunity
- March 5 and future ASC meetings as needed: detailed program review, further discussion and program recommendations
- Future: City Council consideration of ASC recommendation
- Future: Development of final program design/code language for City Council action



Corvallis City Council
Administrative Services Committee

Housing Testimonial Meeting: Tuesday February 25, 2014 at 5 pm

BOARD OF
DIRECTORS

Daniel López-Cevallos

Chair

Doris Cancel-Tirado

Maria Ortiz

Maria Hart

EXECUTIVE

DIRECTOR

Isabela Mackey

EDUCATION AND
ADMINISTRATIVE
ASSISTANT

Vacant

My name is Isabela Mackey. I am the Interim Executive Director working for Casa Latinos Unidos de Benton County (CLUBC), a nonprofit organization that serves the Latino Community and promotes family well-being in Benton County.

Through the last three months, some CLUBC clients and associates have come to me to express their needs of improvement regarding the suboptimal housing conditions in which they live. Due to the fact that they are not confident in their English skills and do not know how to further proceed, they requested assistance from me in formalizing their repeated efforts to communicate these issues to their housing managers.

I asked each client to provide me with a list of the issues they were experiencing in their apartments and, assisted by the City of Corvallis personnel, prepared a bilingual letter for each client addressing the issues that needed attention in their living premises.

Once the client confirmed that the letter was accurate, I provided it to each of them so that they would inform their landlord/manager via letter of the inadequate conditions, and request that changes be made.

These would be reading the letters here tonight, but they are afraid of retaliation and have asked me to read them here for all of you. I am providing copies of the individual letters to the Council.

As of the week of February 17, I asked each of them if they had received answer from their apartment's manager. One person indicated the manager responded by telling her what to do to clean the mold, and expressed her frustration with the manager's response. Two indicated they had no received response and nothing had been done regarding their complaints.

Sincerely,

Isabela Mackey

November 27, 2013

Manager
Seals Mobile Home Court
2010 SW 3rd St
Corvallis, OR 97333

Dear Manager:

Please help me with the mold issue I am having with the windows of my home. I clean the mold from the windows often, but it grows back within one week. I have tried bleach to keep the mold away, but the mold grows back. It would be great to have newer windows. I am concerned for the health of my family.

I appreciate any help you can provide.

Respectfully,

[Client's name]

December 2, 2013

Chinaberry, LLC
2919 NW Spurry Pl
Corvallis, OR 97330

Dear Landlord:

There are several issues that need attention in our apartment at [REDACTED], ^{client's address}

- There is no weatherstripping around the door. Cold air is getting inside.
- The windows are old and cold air is getting inside.
- The refrigerator is old and has mold growing on the inside.
- The carpet is so old it is worn through in several places.
- The inside mechanism of the toilet does not work so it will not flush properly.
- The bathtub leaks.

We would appreciate it if you would schedule a time to come and take a look.

Thank you.

Sincerely,

[Client's Name]

December 5, 2013

Duerksen & Associates

913 NW Grant Ave

Corvallis, OR 97330

To Whom It May Concern:

There are several items in my apartment, ^{Client's address} [REDACTED], that need attention:

- The carpet is too worn to properly clean
- The vinyl in the bathroom is torn
- The bathroom sink is worn down so that there are black spots
- The towel bar in the bathroom is loose
- Some of the boards on the balcony are cracked

I have lived in the apartment for ten years.

Sincerely,

[Client's name]
[REDACTED]

Loren Chavarría

Corvallis, Or. 97330

My name is Loren Chavarría. I am the Assistant Director for Engagement at the Center for Latin@ Studies and Engagement at Oregon State University. What follows is a translation of the testimony offered in Spanish by a community member who wants to remain anonymous because of fear of retaliation from his/her landlord.

My family lives in a unit managed by Chinaberry LLC. We have lived in the same place for the past 6 years. There are several problems with our apartment

1. The doors to the outside have no bottom sweeps to stop the cold drafts; as a result we have high electricity bills during the winter months.
2. Water leaks onto the floor every time we take a shower, even though we always use the shower curtain.
3. The refrigerator is worn and it is rusted on the outside.
4. The carpet is threadbare
5. The window's seals are broken. There is condensation and mold around the frames.
6. The window screens are old and some of them are broken.

We have talked to our landlord about these problems numerous times, but no maintenance or repairs have been done for six years.

Celene Carillo

Corvallis, Or. 97330

My name is Celene Carillo. I am the Director of Communications for the College of Liberal Arts at Oregon State University. What follows is a translation of the testimony offered in Spanish by a community member who wants to remain anonymous because of fear of retaliation from his/her landlord.

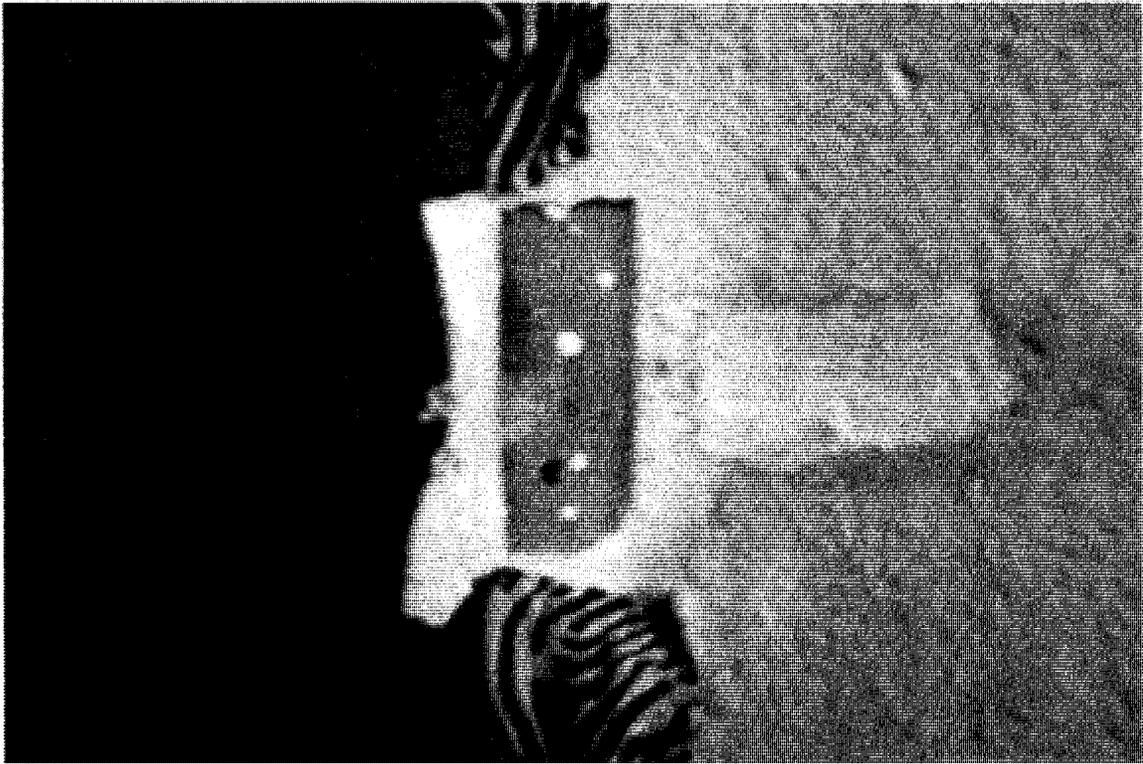
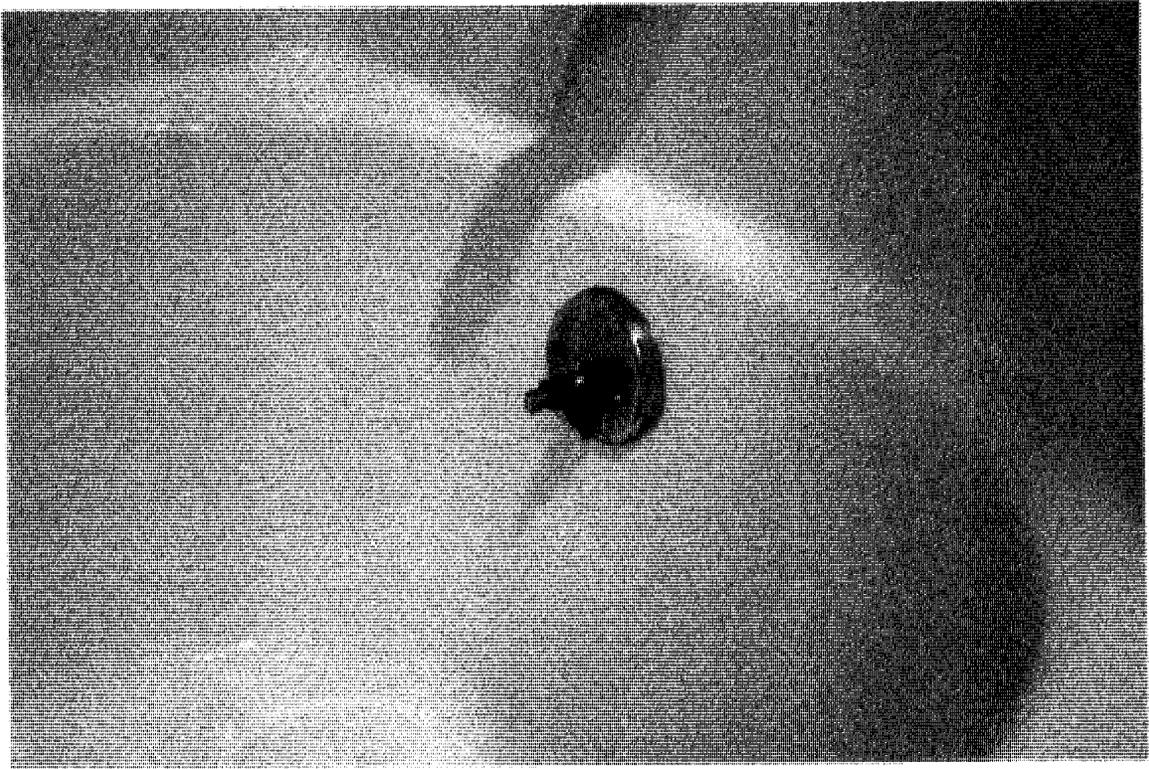
My family lives in the Cinnamon apartment complex managed by Duerksen & Associates, Inc. We have lived in the same place since 2003. When we first moved into this apartment the fridge and stove were already old, and the carpet was frayed and spotted with chlorine stains. After multiple requests to have the appliances updated, the fridge was changed three years ago. We still have the same old stove we had when we moved in more that 10 years ago.

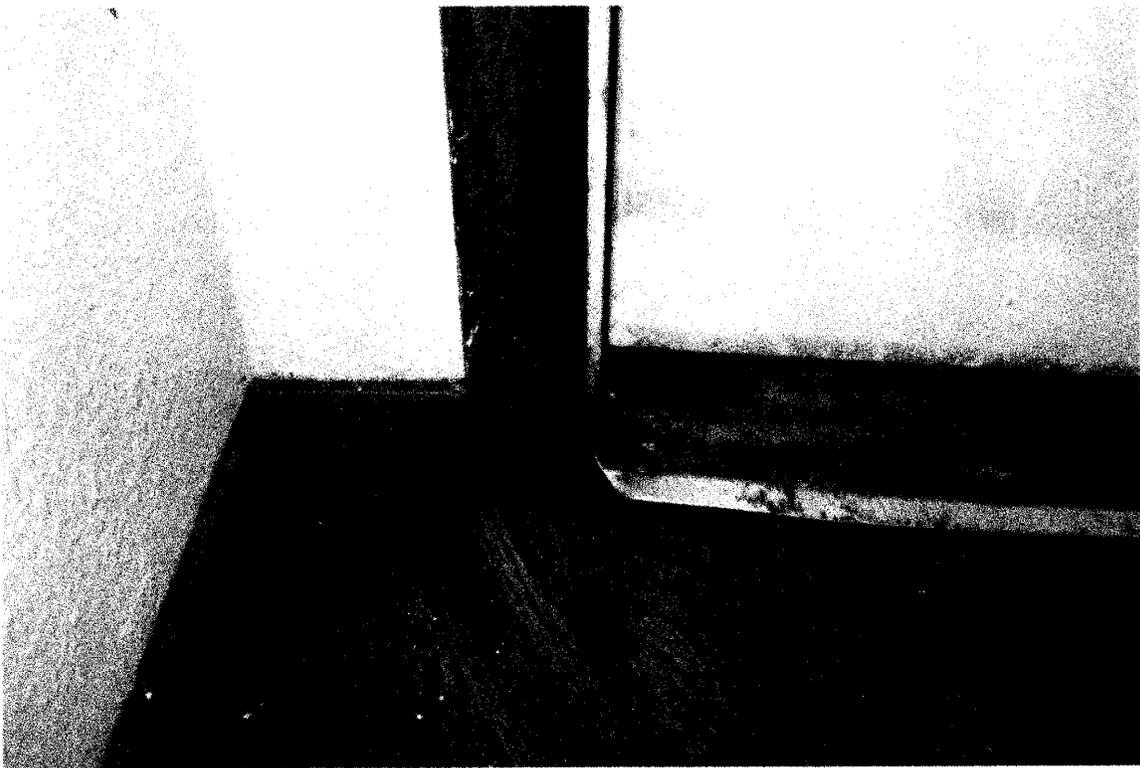
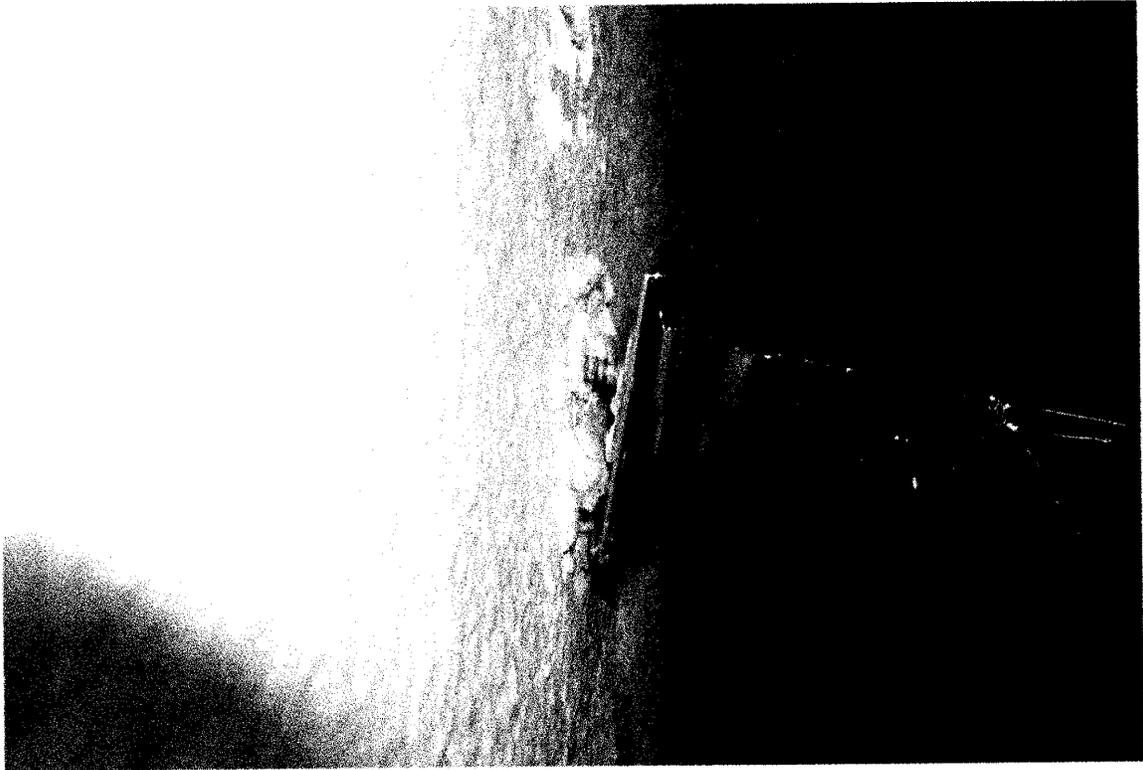
Two years ago, our hot water boiler overheated and all the hot water soaked the carpet around it. The person who came to repair it saw how threadbare it was and recommended Duerksen to replace the carpet in the entire unit. It did not happen. Only the carpet in the living-room area was changed. The rest of the apartment has had the same carpet for more than 10 years.

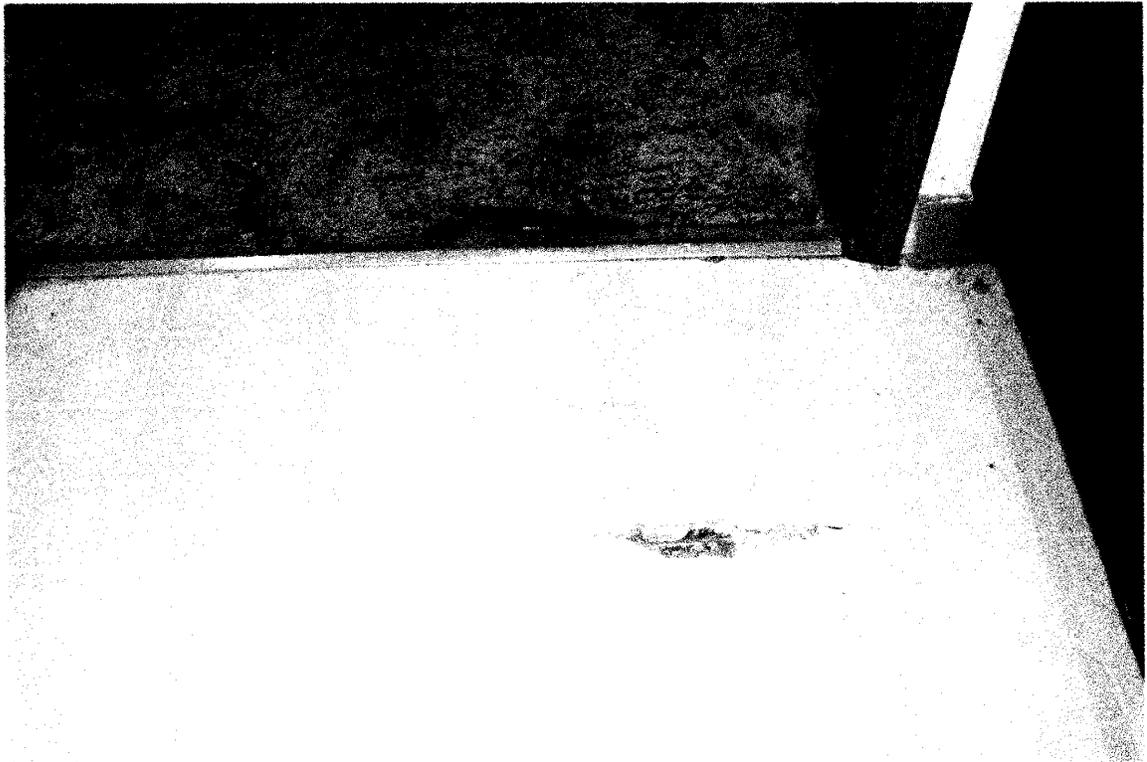
In addition to these problems we have complained in writing about the following:

1. The kitchen and bedroom floors creaks when we walk on them
2. The linoleum floor in the bathroom is broken and the towel-hanger has fallen off the wall
3. The bathroom sink is rusted
4. The carpet has mold, and it is ripped in one corner
5. The carpet covering the first step in the interior stairs is unattached.
6. Some roods in the second floor balcony are broken
7. There have been cockroaches and mice in other apartments in the same complex rented by people I know

Every year the management inspects the unit and takes notes, but the problems mentioned have not been fixed.







Maria R. Hart

Corvallis, OR 97333

My name is Maria Hart, from Casa Latinos Unidos of Benton County. What follows is a translation of the testimony offered in Spanish by a community member who wants to remain anonymous because of fear of retaliation from his/her landlord.

My family lives in a manufactured home in the Sunrise complex located in south Corvallis. We have lived in the same place for the past four years. There are numerous problems with our home.

1. The electricity bills are very high during the winter months because the windows do not have a latch and don't seal well.
2. The stove is old and tattered
3. The refrigerator is too small for a family of six people
4. Water leaks onto the floor every time we take a shower, even though we always use the shower curtain.
5. I have had rats inside my house and these have damaged my kitchen and bathroom
6. The carpet is threadbare
7. The window's seals are broken. There is condensation and mold around the frames

I have talked to our landlady, Dennie Lorensen from Re/Max, about these problems numerous times. Her last response was to give me a written list of tips on how to clean my home. We have been responsible tenants and we have always paid our rent in full and on time, however there has been neither maintenance nor repairs done to this home since we moved in.

Tatyana Kolchugina

Corvallis OR 97330

Questions/Comments on Neighborhood/Property Maintenance Code Program

- In the document dated February 20 2014 posted on the City of Corvallis website, does PMC program mean Proposed "Property Maintenance Code Program"? *- Yes*
- In the PMC, the issues related to Rental vs Owner-Occupied residential buildings should be more clearly separated and identified. *- yes*
- For Owner-Occupied buildings (existing), some of the issues in the proposed PMC are not necessary, specifically, interior items, including, light in basement/garage areas, ventilation, weatherized - airtight windows and roofs, deadbolts, etc. Though these are all important items, they should be the sole interest, liability, responsibility, and discretion of the owners-occupants.
- The situations that constitute violations of the PMC exterior maintenance should be clearly stated: which situation specifically triggers inspection? How it will be enforced? *addressed somewhat at the meeting on 02/25/14*
- How the proposed PMC will be enforced in general and specifically? Is it going to be active enforcement or complaint based? Will it require additional inspectors? How it will be financed? Will additional funds be requested from the citizens? If so, will it be levied through a vote or billed through fees? *- how owner-occupied properties will be affected?*

all of these for rentals?

*some of the issues have been addressed
any new taxes are anticipated?*

no unreasonable search of properties

① *maybe, \$500K should be directed to sidewalk maintenance.*

② *additional prep \$250K -
- is this correct?*

rentals

WILLIAM COHNSTAEDT

LAWYER
561 NW JACKSON AVENUE
CORVALLIS, OREGON 97330

Telephone (541) 757-9944
Fax (541) 757-9950
bill@williamcohnstaedt.com

February 25, 2014

Administrative Service Committee
Councilor Biff Traber, Chair
Councilor Hal Brauner
Councilor Joel Hirsch

Re: Regulating Residential Rental Property in Corvallis

Dear Committee Members:

My presentation will be followed by a written report to you. I have read the two (2) staff reports and all attachments. My unanswered questions follow.

I do not understand why staff proposed spending over half a million dollars to reorganize the Community Development Department.

What is the purpose of this reorganization? Secondly, "how" will it be more effective than present regulations of residential rentals, as set forth in the state statutes? State statutes are enforced by the state judicial system. The apparent answers include, but are not limited to the following:

First, to address "livability issues" arising from the advisory group created to work on the collaboration project with OSU.

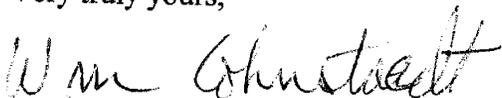
Second, to fill the "Gaps" in the current Municipal Code.

Third, to use the IMPC to address complaints and discrepancies in Corvallis' premises that do not presently meet the proposed new code.

Fourth, other more specific questions will be addressed to the Administrative Services Committee when the "why" questions and the follow-up "how" questions are clearer.

For today, I suggest the attached ORS Title 10 covers most of the gaps identified in the Staff responses.

Very truly yours,



William Cohnstaedt
WC/st

Enclosures

TITLE 10
PROPERTY RIGHTS AND TRANSACTIONS

- Chapter 90. Residential Landlord and Tenant
91. Tenancy
92. Subdivisions and Partitions
93. Conveyancing and Recording
94. Real Property Development
95. Fraudulent Transfers and Conveyances
96. Line and Partition Fences
97. Rights and Duties Relating to Cemeteries, Human Bodies and Anatomical Gifts
98. Lost, Unclaimed or Abandoned Property; Vehicle Towing
99. Property Removed by High Water
100. Condominiums
101. Continuing Care Retirement Communities
105. Property Rights

Chapter 90 — Residential Landlord and Tenant

2013 EDITION

RESIDENTIAL LANDLORD AND TENANT

PROPERTY RIGHTS AND TRANSACTIONS

GENERAL PROVISIONS

- 90.100 Definitions
- 90.105 Short title
- 90.110 Exclusions from application of this chapter
- 90.113 Additional exclusion from application of chapter
- 90.115 Territorial application *all over state*
- 90.120 Applicability of other statutory lien, tenancy and rent provisions; applicability of ORS 90.100 to 90.465 and 90.505 to 90.840
- 90.125 Administration of remedies; enforcement *state court system - monetary damages + legal fees + costs*
- 90.130 Obligation of good faith
- 90.135 Unconscionability
- 90.140 Types of payments landlord may require or accept; written evidence of payment

- 90.145 Tenant or applicant who conducts repairs, routine maintenance or cleaning services not employee of landlord; restrictions
- 90.147 Delivery of possession
- 90.148 Landlord acts that imply acceptance of tenant abandonment or relinquishment of right to occupy

SERVICE OR DELIVERY OF NOTICES

- 90.150 Service or delivery of actual notice
- 90.155 Service or delivery of written notice
- 90.160 Calculation of notice periods

CONTENT OF AGREEMENTS

- 90.220 Terms and conditions of rental agreement; smoking policy; rent obligation and payment
- 90.222 Renter's liability insurance
- 90.228 Notice of location in 100-year flood plain
- 90.230 Rental agreements for occupancy of recreational vehicle in park; remedy for noncompliance; exception
- 90.243 Qualifications for drug and alcohol free housing; "program of recovery" defined
- 90.245 Prohibited provisions in rental agreements; remedy
- 90.250 Receipt of rent without obligation to maintain premises prohibited
- 90.255 Attorney fees
- 90.260 Late rent payment charge or fee; restrictions; calculation
- 90.262 Use and occupancy rules and regulations; adoption; enforceability; restrictions
- 90.263 Vehicle tags
- 90.265 Interest in alternative energy device installed by tenant

TEMPORARY OCCUPANCY AGREEMENT

- 90.275 Temporary occupancy agreement; terms and conditions

FEES AND DEPOSITS

- 90.295 Applicant screening charge; limitations; notice upon denial of tenancy; refund; remedy
- 90.297 Prohibition on charging deposit or fee to enter rental agreement; exceptions; deposit allowed for securing execution of rental agreement; remedy
- 90.300 Security deposits; prepaid rent
- 90.302 Fees allowed for certain landlord expenses; accounting not required; fees for noncompliance with written rules

LANDLORD RIGHTS AND OBLIGATIONS

- 90.303 Evaluation of applicant
- 90.304 Statement of reasons for denial; remedy for noncompliance
- 90.305 Disclosure of certain matters; retention of rental agreement; inspection of agreement
- 90.310 Disclosure of legal proceedings; tenant remedies for failure to disclose; liability of manager
- 90.315 Utility or service payments; additional charges; responsibility for utility or service; remedies
- 90.316 Carbon monoxide alarm
- 90.317 Repair or replacement of carbon monoxide alarm
- 90.318 Criteria for landlord provision of certain recycling services
- 90.320 Landlord to maintain premises in habitable condition; agreement with tenant to maintain premises *List of subparts that cover the GAPS identified by staff in the Municipal Code*
- 90.322 Landlord or agent access to premises; remedies

TENANT OBLIGATIONS

- 90.325 Tenant duties
- 90.340 Occupancy of premises as dwelling unit only; notice of tenant absence

TENANT REMEDIES

- 90.360 Effect of landlord noncompliance with rental agreement or obligation to maintain premises; generally
- 90.365 Failure of landlord to supply essential services; remedies

- 90.367 Application of security deposit or prepaid rent after notice of foreclosure; termination of fixed term tenancy after notice
- 90.368 Repair of minor habitability defect
- 90.370 Tenant counterclaims in action by landlord for possession or rent
- 90.375 Effect of unlawful ouster or exclusion; willful diminution of services
- 90.380 Effect of rental of dwelling in violation of building or housing codes; remedy
- 90.385 Retaliatory conduct by landlord; tenant remedies and defenses; action for possession in certain cases
- 90.390 Discrimination against tenant or applicant; tenant defense

LANDLORD REMEDIES

- 90.392 Termination of rental agreement by landlord for cause; tenant right to cure violation
- 90.394 Termination of rental agreement for failure to pay rent
- 90.396 Acts or omissions justifying termination 24 hours after notice
- 90.398 Termination of rental agreement for drug or alcohol violations
- 90.401 Remedies available to landlord
- 90.403 Taking possession of premises from unauthorized possessor
- 90.405 Effect of tenant keeping unpermitted pet
- 90.410 Effect of tenant failure to give notice of absence; absence; abandonment
- 90.412 Waiver of termination of tenancy
- 90.414 Acts not constituting waiver of termination of tenancy; delivery of rent refund
- 90.417 Duty to pay rent; effect of acceptance of partial rent
- 90.420 Enforceability of landlord liens; distraint for rent abolished
- 90.425 Disposition of personal property abandoned by tenant; notice; sale; limitation on landlord liability; tax cancellation; storage agreements; hazardous property
- 90.427 Termination of periodic tenancies; landlord remedies for tenant holdover
- 90.429 Termination of tenancy for certain rented spaces not covered by ORS 90.505 to 90.840

- 90.430 Claims for possession, rent, damages after termination of rental agreement
- 90.435 Limitation on recovery of possession of premises
- 90.440 Termination of tenancy in group recovery home; recovery of possession; damages

DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING

- 90.445 Termination of tenant committing criminal act of physical violence
- 90.449 Landlord discrimination against victim; exception; tenant defenses and remedies
- 90.453 Termination by tenant who is victim of domestic violence, sexual assault or stalking; verification statement
- 90.456 Other tenants remaining in dwelling unit following tenant termination or exclusion due to domestic violence, sexual assault or stalking
- 90.459 Change of locks at request of tenant who is victim of domestic violence, sexual assault or stalking

MISCELLANEOUS

- 90.465 Right of city to recover from owner for costs of relocating tenant due to condemnation; defense
- 90.472 Termination by tenant called into active state service by Governor
- 90.475 Termination by tenant due to service with Armed Forces or commissioned corps of National Oceanic and Atmospheric Administration
- 90.485 Restrictions on landlord removal of vehicle; exceptions
- 90.490 Prohibited acts in anticipation of notice of conversion to condominium; damages
- 90.493 Prohibited acts following notice of conversion to condominium; damages

MANUFACTURED DWELLING AND FLOATING HOME SPACES

(General Provisions)

- 90.505 Definition for ORS 90.505 to 90.840; application of statutes
- 90.510 Statement of policy; rental agreement; rules and regulations; remedies
- 90.512 Definitions for ORS 90.514 and 90.518
- 90.514 Disclosure to prospective tenant of improvements required under rental agreement

- 90.516 Model statement for disclosure of improvements required under rental agreement; rules
 - 90.518 Provider statement of estimated cost of improvements
 - 90.525 Unreasonable conditions of rental or occupancy prohibited
 - 90.528 Use of common areas or facilities
 - 90.530 Pets in facilities; rental agreements; violations
 - 90.531 Definitions for ORS 90.531 to 90.539
 - 90.532 Billing methods for utility or service charges; system maintenance; restriction on charging for water
 - 90.533 Conversion of billing method for garbage collection and disposal
 - 90.534 Allocated charges for utility or service provided directly to space or common area
 - 90.535 Additional charge for cable, satellite or Internet services
 - 90.536 Charges for utilities or services measured by submeter
 - 90.537 Conversion of billing method for utility or service charges
 - 90.538 Tenant inspection of utility billing records
 - 90.539 Entry to read submeter
 - 90.541 Legislative findings
 - 90.543 Utility or service charge billing for large manufactured dwelling parks; water conservation; tenant remedy
 - 90.545 Fixed term tenancy expiration; renewal or extension; new rental agreements; tenant refusal of new rental agreement; written storage agreement upon termination of tenancy
 - 90.550 Permissible forms of tenancy; minimum fixed term
 - 90.555 Subleasing agreements
- (Landlord and Tenant Relations)
- 90.600 Increases in rent; notice; meeting with tenants; effect of failure to meet
 - 90.605 Persons authorized to receive notice and demands on landlord's behalf; written notice to change designated person

- 90.610 Informal dispute resolution; notice of proposed change in rule or regulation; objection to change by tenant
- 90.620 Termination by tenant; notice to landlord
- 90.630 Termination by landlord; causes; notice; cure; repeated nonpayment of rent
- 90.632 Termination of tenancy due to physical condition of manufactured dwelling or floating home; correction of condition by tenant
- 90.634 Prohibition against lien for rent; action for possession; disposition of dwelling or home; disposition of goods
- 90.643 Conversion of manufactured dwelling park to planned community subdivision of manufactured dwellings
- 90.645 Closure of manufactured dwelling park; notices; payments to tenants
- 90.650 Notice of tax provisions to tenants of closing manufactured dwelling park; rules
- 90.655 Park closure notice to nontenants; report of tenant reactions
- 90.660 Local regulation of park closures
- 90.671 Closure of marina; notices; payments to tenants; rules

(Ownership Change)

- 90.675 Disposition of manufactured dwelling or floating home left in facility; notice; sale; limitation on landlord liability; tax cancellation; storage agreements; hazardous property
- 90.680 Sale of dwelling or home on rented space; duties and rights of seller, prospective purchaser and landlord

(Actions)

- 90.710 Causes of action; limit on cause of action of tenant; attorney fees
- 90.720 Action to enjoin violation of ORS 90.750 or 90.755

(Landlord Rights and Obligations)

- 90.725 Landlord or agent access to rented space; remedies
- 90.727 Maintenance of trees in rented spaces
- 90.730 Landlord duty to maintain rented space, vacant spaces and common areas in habitable condition

90.732 Landlord registration; registration fee

90.734 Manager or owner continuing education requirements

90.736 Civil penalties

90.738 Enforcement of registration and education requirements; advisory committee; rules

(Tenant Rights and Obligations)

90.740 Tenant obligations

90.750 Right to assemble or canvass in facility; limitations

90.755 Right to speak on political issues; limitations; placement of political signs

90.760 Notice to tenants' association when park becomes subject to listing agreement

90.765 Prohibitions on retaliatory conduct by landlord

90.771 Confidentiality of information regarding disputes

90.775 Rules

(Facility Purchase by Tenants)

90.800 Policy

90.810 Association notification of possible sale of facility

90.815 Incorporation of facility purchase association

90.820 Facility purchase by tenants' association or nonprofit corporation; procedures

90.830 Facility owner affidavit of compliance with procedures

90.840 Park purchase funds, loans

(Dealer Sales of Manufactured Dwellings)

90.860 Definitions for ORS 90.865 to 90.875

90.865 Dealer notice of rent payments and financing

90.870 Manner of giving notice; persons entitled to notice

90.875 Remedy for failure to give notice

GENERAL PROVISIONS

MAYOR & COUNCIL EMAIL

[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

Testimony for administrative services committee - rental property codes

- *To:* ward8@xx
- *Subject:* Testimony for administrative services committee - rental property codes
- *From:* Andrea Myhre <andrea.myhre@xxxxxxxx>
- *Date:* Tue, 25 Feb 2014 15:35:10 -0800

Hi Biff -

I am submitting my testimony I was planning to give at tonight's meeting. If you would like to contact me to discuss this in more detail, please contact me at:

or via andrea.myhre@xxxxxxxx

Thank you!

Andrea Myhre

I would like to express my support of strengthening the city's rental housing code and complaint response program. As someone who has experienced both being a renter and now a rental property owner, I believe ensuring livable, healthy homes for all contribute to the health and productivity of residents in our community. Too often, the consequences associated with poor housing falls on people who already face many obstacles. Making sure that my property is well maintained and that my renters are happy with their living conditions is also just plain good business.

When I first moved into the duplex (that I now own) as a renter, there were significant issues with the condition of the outside and interior of the unit. The yard was overgrown with weeds, the outside of the unit was clearly in distress, as evident later by the results of the inspection that was done before we purchased the house. At one point, in the middle of winter, the main heating mechanism in our unit failed and we bought space heaters to compensate. Luckily, the company that had been hired to manage our rental unit replaced the heating source in a timely fashion. However, the burden was still on us to maintain heat in the house. The other issues with the house were left unaddressed – such as the sewer pipe being disconnected with the tub and shower and draining directly into the ground under the house - and I spent many hours cleaning up the yard and making my house a presentable place to live without

the reward of increasing my equity in the property.

Once we bought the property (thanks to the property management company owner who offered us the first opportunity to purchase the duplex), we made great efforts to improve conditions as it was now our home. This is an important fact – no matter if you own or rent, your home is your home and can be a great determiner of your health, but also of your feelings of self-worth and pride. As a young mother, I wanted to make sure that our home was clean, comfortable, safe, and something to be proud of. We immediately replaced the single-paned, aluminum windows that tended to grow sheets of mold in the winter and we fixed the leaky plumbing in the bathrooms that also caused mold growth. We upgraded the outdoor lighting to include motion lights to ensure safety. We spent a great deal of time and money improving the property – we spend many hot, sweaty days spent scraping old asphalt from the leaky roof and clearing out yards and yards of rotten wood and trimmings from overgrown trees and shrubs. We not only thought of our own living situation, but also of that of our future renters who would be living under the same roof. As a mother, I would not allow my child to live in a house that was unsafe or unsanitary and I certainly wouldn't allow any other child to live in a house that I owned if it weren't safe. However, not all property owners are alike and some property owners don't always do the right thing to maintain healthy housing for their tenants.

Fortunately, for my situation as a rental property owner, responsible for making a living and providing housing for my two children, rent rates have gone up in Corvallis have gone up significantly in the last several years. I have sunk much of this profit back into my property to make improvements. No doubt I have seen tax benefits from doing this so I win both ways. However, I have also noticed that as I have improved the property, my tenants are more interested in maintaining their unit accordingly. I think that the idea that offering renters a poor living environment results in renters who don't care about the property is true. As a business, why would you encourage renters to not respect your property or standards?

Encouraging empowerment on the part of renters I believe would actually benefit me in that my tenants would be more likely to contact me first with problems instead of being afraid. Stronger codes, more efforts to respond to complaints, and more efforts to educate the community about their rights would not only help protect our most vulnerable citizens but it would make my job as a landlord easier. I have had the advantage of living in my duplex for the most part as my primary residence while renting the next door unit to others. During this time, I have made an effort to respond quickly to issues in the rental unit and have worked with my residents to ensure that problems are resolved. As with many other property owners, I emphasize that my residents should contact me before taking any further action on

maintenance and livability issues. Also, I want them to contact me if there are any repairs that need to be made, especially anything involving plumbing. However, I still find that they are still fearful of contacting me and don't know what's acceptable and what is not.

As a responsible property owner, I would encourage the city to adopt a collaborative and cooperative approach with property owners instead of first being punitive. I don't mind paying a small increase in the current fee if I can also receive assistance from inspectors about how to address issues. As with many rental property owners in our community who maybe only have one or a handful of units, I don't always have the resources or knowledge to address situations that arise at my rental. Having the help of city staff to resolve issues is valuable to me as I don't have paid staff to fix things. Also, I can't compete with the new apartment and condo developments being built in our town, but I can still provide a comfortable home for someone in need.

An additional important point; as someone who regularly monitors our city's economic statistics as a part of my job, and someone who lives in one of the two areas of significant poverty in our community, maintaining standards for rental property is important to maintaining equity for all of our residents. Our town is a difficult place to live if you make low or even middle class wages. I have seen this in my neighborhood where the reality of disparity is evident every day.

Thank you for listening to my perspective on establishing a strong rental property enforcement program in our community. As a former renter, a current rental property owner, and a mother, and a Corvallis resident, I appreciate and encourage these efforts.

- Prev by Date: **Lunch & Learn- Grow your Business! LAST CHANCE!**
- Previous by thread: **Lunch & Learn- Grow your Business! LAST CHANCE!**
- Index(es):
 - **Date**
 - **Thread**

Feb. 24, 2014

To: Corvallis City Council Administrative Services Committee

From: Kent Daniels

CC: Jim Moorefield, Karen Levy Keon, Ken Gibb, Jim Patterson, Roen Hogg

RE: Written Testimony for the Feb. 25, 2014 Administrative Services Committee Public Meeting

I am out of state until March 10th and am unable to attend the public meeting being held tomorrow afternoon regarding the proposed Property Management Code (PMC). As someone who has been a longtime advocate for the protection of tenant rights and assuring that renters are provided with functional, clean and safe housing, I am very concerned that the real estate and property management industries have advocated, and continue to advocate, for minimal standards for rental property quality and safety. Given that context, I would very much appreciate your consideration of the following points:

1. Your competent and hard-working city staff have done a huge amount of work to develop a new PMC that is supported by many community members and is a result of recommendations and input from the OSU Corvallis Collaboration Neighborhood Livability Workgroup and voted positively on by the Collaboration's Steering Committee.
2. Staff spent most of the fall working with a staff-appointed work group made up of 1/2 industry representatives and 1/2 rental or neighborhood representatives in developing the PMC recommendations you are now reviewing. Given that renters make up 57 % of the population of Corvallis, and that industry representatives make up a very small percentage of our population, in my opinion this working group should have had only had 1 or 2 representatives from the industry. I attended most of the meetings of this working group, and observed that almost all of the negative comments about the proposed PMC came from the industry representatives.
3. Industry representatives have made it a point to see that many people working in the industry testified negatively about any new PMC changes. It is of course their right to advocate in this fashion. I believe, however, that it is also the public's right, and in the public's interest, that there be clear awareness of industry representatives' vested financial interest in seeing that a stronger, better PMC NOT be implemented. This PMC will give our staff stronger tools and regulations to do a better job of assuring that rental property be safer, cleaner, and of a quality that the great majority of our community members expects and would like to see.
4. Some of the strongest negative testimony received to date has been from paid industry lobbyists, such as the Director of the Corvallis Chamber of Commerce or the representative from Willamette Valley Realtors.
5. Traditional public hearings such as those held to date and the one being held tomorrow are not forums at which most renters will be comfortable testifying or at which they will be able to attend because of family, work or school demands or responsibilities. Many renters will be very reluctant to say anything at a forum being attended by representatives of the people from whom they rent. If members of the City Council desire to know what the renter community in Corvallis has to say, they will need to go out individually and meet directly with

renters or with organizations and staff at the City and OSU who try to represent their interests.

6. I have been a rental property purchaser, owner and manager for the last 25 years, and have had first-hand experience with the conditions of rental properties when I procured them. I have in every case been shocked at the conditions of houses/apartments I have purchased. They were unsafe, poorly cared for and often infested with insects, vermin and mold. While I as a buyer was aware of these conditions before I purchased the properties, renters are not always aware of them before they sign a lease or rental agreement, and are often feel reluctant if not powerless to seek remediation, particularly in a tight rental market. I know I am not the only conscientious landlord to have spent huge amounts of my own funds to bring my rentals up to or beyond code requirements—conditions that should not have been allowed to occur in our community.

I urge you in the strongest terms possible to support the recommendations for the reasonable, new PMC that staff and many involved community members have developed and agree with. Our City Government and the University need to do their best to support the 57% of our population that rents and to see that they are provided with the safest rental property possible that meets the eminently reasonable standards proposed in the new Property Management Code.

Sincerely,

Kent Daniels

Corvallis, OR 97333

An open letter to the Corvallis City Council.

This is to address the concerns that “some” persons seem to not understand that their Landlord / Housing Management company, do not or will not take or accept their verbal or written concerns about maintenance issues.

Having rented a unit first for Brown, Itzen & Williams (now no longer in business) (9+ years), and now having been renting a different unit from Kampfer Ent. (12+ years), I can assure you that both of these companies have done an excellent job of keeping the unit in good working order.

All minor issues have been addressed within a reasonable time frame, and with courtesy. As for the more major issues such as when a pipe was leaking... On the two occasions that this has occurred, the first was fixed within 4 hours of the report being taken. The second took a while longer (4-5 hours) due to the need to replace a larger amount of pipes. As to when the ceiling (where the leaking pipes were located) was restored to a “less objectionable look”, that may have taken a while longer, but you have to allow the ceiling drywall material the time to completely dry out from the water saturation. You don’t want to seal it all back up too soon or you will end up with mold.

Anyone who thinks that their “complaint(s)” will fall on deaf ears, or will result in the Management / Landlord taking a “retaliatory” action against them , has not been a renter for very long, or has managed to find a Landlord of ill repute in the past (the “Red Door Agency” comes to mind).

To which the City of Corvallis already has venues to remedy the issue. The raising of rates to accommodate more bureaucracy to accomplish the same, is unnecessary. As these increases will only be passed on to the consumers, even when the Management Company is already doing the “right” thing. Affordable housing in Corvallis is already at a premium, and will only get worse as more O.S.U. students take units away from those who have to live & work in Corvallis. And those students rarely remain in town during the summer.

Mr C.

(Full name withheld, due to past experience with the City Council bringing their wrath back down the “food” chain for having been working for a city contractor, and having the “nerve” to speak against the “will” of the counsel).



We're all for business.

Feb. 25, 2014

Thank you to our Platinum
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supporting advocacy

The Ball Studio/Photography
CH2M HILL
Citizens Bank
Horsepower Productions
Oregon State University
Samaritan Health Services
Starker Forests, Inc.
Stover Neyhart & Co., PC
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Thank you to our Gold
Leading Investors
supporting advocacy

Blackledge Furniture
The Corvallis Clinic
DEVCO Engineering
Jeanne Smith & Associates, PC
Pacific Power
PEAK Internet
Trimble

To: Corvallis Administrative Services Committee:

I'm Kevin Dwyer, Executive Director of the Corvallis Chamber of Commerce. I represent an organization that has about 520 member businesses and individuals.

While the Chamber does not represent all business interest in our community, the proposal before you will affect many, many businesses – owners and manager of rental property, store owners, tenants of retail outlets, offices and commercial buildings, as well as owners of residential properties.

From what I can gather from conversations with business people, and what I've read, the International Property Maintenance Code Standards you are proposing to adopt essentially are an overlay over the City's existing Municipal Code.

It's acknowledged by Corvallis property managers and owners that there are gaps in the Municipal Code that might need to be addressed. But the larger question looms, what problems will be addressed and solved by imposing the new code that can't be resolved by updating and course-correcting the existing code?

Simply put, businesses need, want and desire a comfortable level of "certainty" when they decide to locate and/or invest in Corvallis, or any city for that matter.

The proposed changes appear to provide a lot of leeway and discretion on the part of city Code Enforcement officers, and this scares business people because there is no predictability in



We're all for business.

what they can expect. One officer may have a totally different interpretation of a code compared with another officer.

The lack of certainty and the proposed discretion on the part of the officers could potential jack up the cost of doing business in Corvallis and make it a less desirable place to start a business, expand a business or invest in a business.

Finally, we urge the City Council to review this proposal very carefully, and consider doing a cost-benefit-analysis that would consider, among other variables, the economic impact on Corvallis businesses and consumers if this new initiative is indeed adopted.

Kevin Dwyer
Executive Director
Corvallis Chamber of Commerce