

Minutes

Housing Committee

Monday, May 19, 2008

6:30 p.m.

Police Training Room, 4th Floor
Municipal Building, Jamestown, New York

MEMBERS PRESENT: Chairman Paul Whitford

MEMBERS ABSENT: Michael Taylor, Steve Szwejbka

OTHERS PRESENT: Director of Financial Services/City Clerk James N. Olson, Greg Rabb, Greg Moran, Tony Dolce, and Patrick Fanelli from The Post-Journal

Chairman Whitford called the meeting to order.

The minutes from the April 7, 2008 meeting were approved.

OLD BUSINESS

Chairman Whitford: We were going to set up a walk-through and tentatively schedule it; I will check with Council Members Taylor and Szwejbka, but May 28th at 5:30 and the tour will be between Falconer and Newton Streets from Sturges to Weeks covering Sturges, Bowen, Thayer, Stowe, Weeks, Dover and York. It will start at the corner of Falconer and Weeks Streets. We did get the report from Steve Centi and the summary of the CDBG activities for the coming year. This is open until next month for 30 days for public comment. The only thing that I wanted to comment on this is that I talked to Steve about it before – about how we get the information out on the programs that are available to the taxpayers...first time home owners, seniors, and he says they have the pamphlets here in City Hall.

Greg Moran: We have pamphlets, we talk to people – we get phone calls constantly, the Office of the Aging refers people .

Chairman Whitford: I just wanted to maybe enhance that somewhat so that some of the people that don't know which agency to go to that we can get that information out to them. I asked him about that homesteading program where the City takes over a tax foreclosure and rehabs the property and then sells it to first time homeowners for the tax amount which he said is normally between \$10-20,000. I'm sure there are a lot of first time prospective homeowners that aren't aware of that program.

Greg Moran: We've got a number in the pipeline.

Chairman Whitford: I want to make sure that it's on our website.

Greg Moran: Both CHRIC and Chautauqua Opportunities run programs.

Chairman Whitford: But I want to make sure that we get that information out.

Greg Moran: Because in fact part of our CDBG fund goes for COI to find first-time home buyers for us. That's where we get them from.

Chairman Whitford: But they go out and hunt them down rather than put the information out for prospective ones.

Greg Moran: Well, CHRIC just had a housing fair and they were all at it over at the ice arena.

NEW BUSINESS

Greg Rabb: Yes, I brought copies of the report that Tim Porter prepared. I have extras here. Tim Porter was interning with us and coming to our meetings and one phase he was working on was looking at the landlord licensing statutes and this was the result of his work. There are several pieces to it and there's actually quite a bit there, but I also, in the copies I gave to you, I double-sided it so I wouldn't waste so much paper. The first thing you have on top – it says "Jamestown City Council Landlord Licensing Statutes" and his name is on the second page because what he did was he went through a series of things with just little bullet points, issues to consider, how to address the public, how to start writing a statute and then he ended up with pros and cons. He also gave us examples that he was able to dig up so the first example that he had was a rental inspection check list from the City of Berkley, Michigan and then after that is an actual ordinance passed in the City of Lebanon, PA. It was passed on November 27th, 2006, so it's a pretty new ordinance

Then on page 6, he talks about an addendum to a rental agreement. You have a copy of that addendum in Appendix A, he included that with the ordinance. It says "an addendum to each rental agreement for regulated rental units shall be provided by the owner to the occupant before a rental agreement is presented for signing by occupant after the effective date of this article." And you have a copy of that in Appendix A.

On page 9, it talks about what residential units are to be included so in section 1 it says "the residential rental license shall be required for all occupied regulated rental units." Then in section 2 it lists the units that would be excluded from this ordinance – owner occupied to college dormitories. I think this was the most in-depth ordinance that he could find that's actually out there, although it's pretty new. It's only been in effect a couple of years.. Then the very end of that, he gave us another example of the City of Woodbury, NJ – Rental Facility and Licensing Application. This is in no particular order, the licensing application – they could have given it to you first followed by the ordinance, followed by a check list, but they're from three different communities and I think he found these to be the most complete from the ones that he did

look at. So if we decide after we look at this, that we want to think about going down this road, he's given us this ordinance to guide us and then these other forms as well.

Greg Moran: I've got a couple others that we got last year when we went to that conference in Pittsburgh from Shula Vista, CA and the City of Cincinnati.

Mr. Rabb: The ordinances?

Greg Moran: Yes.

Mr. Rabb: It'd be interesting to see if they're very similar to this one, or if they're radically different. I would assume at some point, these are all going to start modeling each other with minor changes...

Mr. Moran: Pretty much, the ones I've seen, are pretty much the same.

Mr. Rabb: Then, there's a lot here obviously, so I wanted to present it on behalf of Tim because he's just graduated from JCC. I think he's from the southern tier, but where exactly, I don't know. He's a native American, graduated with honors, so he's a very bright young man, very nice man too. I think he's a Social Science grad, I'm not sure. I'm not sure what he wants to do when he goes on, but...

Mr. Olson: He told me he's transferring to Fredonia.

Mr. Rabb: Well, I wanted to present this on his behalf – there's a lot to take a look at here and then, I don't know Paul, if the Committee wants to consider...

Mr. Whitford: Wait till we get copies to the Committee members...

Mr. Dolce: It might be good if we could look at different models and then maybe mix and match and then maybe go back to...

Mr. Whitford: ...and not make it so complicated ...

Mr. Dolce: ...and say maybe go back to the Landlords Association and say these are some ideas...

Mr. Rabb: ...and I don't know if this Lebanon one is necessarily complicated so much as it is complete. It's got everything in it which doesn't mean we have to do that way, but I think it's got a lot in it. That's why I'd be curious to see the ones you have how they compare in terms of length and comprehensiveness.

Mr. Olson: It might have something like Section 215 already has.

Mr. Moran: Most of the licensing type things are more describing the tenants – their rights and responsibilities, the landlords rights and responsibilities – most of the ones I've seen are more those types of things like when we would do inspections, those sort of things.

Whether it's yearly or annually or every two or three years – they all kind of vary when you do inspections. One of the ones I saw or they talked about when we were in Pittsburgh was they actually did it every time a tenant moved – you'd have to update...

Mr. Whitford: At this point, you only do inspections when there's a complaint, right?

Mr. Moran: Well, yes, basically, or if you're doing a mini-sweep visit...even then you're really not getting inside and like even in the multi-family...the only thing we can do is inspect the common public areas. Unless somebody invites us in, we can't go inside.

Mr. Rabb: This one from Lebanon has on page 4 – it does what you're talking about Greg, it outlines the owners duties and actually goes on for about 4 pages, and then on page 8 it talks about the occupants duties so about five pages of this are the duties of both the owners and the occupants, so maybe it's similar to what you were talking about.

Mr. Moran: Right. That's what most of them pretty much outline. We just went to a seminar down at JCC for the Nuisance Task Force and one of the presenters there, Tim DeLong, he's from New York City, and this addendum to the residential rental agreement was something that he talked about that every landlord should have – that a lot of them don't have in their leases, and every landlord should have leases, but a lot of them don't like doing that much. I know in Shula Vista was making sure that no post office box addresses were listed, and making sure that there was a local property manager that lives someplace in the county – if they were out of town owners.

Mr. Rabb: This one in the appendix has a spot there that says "the manager for the rental unit should be as follows: name, mailing address, a physical address and a daytime telephone number, so if there's a problem, we can get in contact with somebody."

Mr. Moran: Yes, because that's one of the biggest problems we're running into now – trying to find somebody that owns up to having anything to do with a lot of these places. We running into problems now with the Australians walking away from a lot of these properties and stuff, when they figured out they got hosed... that's one of the bigger problems. Like a couple of these ones that Paul was talking about – owners are long gone probably and then you're dealing with a bank that doesn't even want to take care of anything. Could care less – they've written it off; we've got one over on 50 Spruce Street – GMAC claims they don't even own it.

Mr. Whitford: So no one really wants to take responsibility for the property itself, so then your hands are tied unless it goes to auction.

Mr. Moran: ...right...till it goes to the County tax auction and even then...

Mr. Dolce: The County doesn't do anything with them...They just wait till it's time for the auction...

Mr. Moran: Right. That's a big discussion we've been having...

Mr. Dolce: One of the drawbacks of us not having control anymore – is not having control.

Mr. Moran: Well, the County claims they don't have any control. Kurt Gustafson's got this thing in sort of a fiduciary where they control, but they don't control it. If they do anything, then they create a liability situation for themselves, that's the County's stance.

Mr. Dolce: What is the status down there at Spruce?

Mr. Moran: It's on the County foreclosure list.

Mr. Dolce: But I mean in terms of the condition?

Mr. Moran: It's not a bad...it's a good house...

Mr. Dolce: ...the back yard – can they do anything with that?

Mr. Moran: We've got John Torey – the Parks guy – taking care of it, until somebody buys it.

Mr. Dolce: That's all the neighbors want. He said "I can take care of the front, but I can't take care of the back.

Mr. Moran: Yes, John Torey takes care of it from the Parks Department. He just got started so he's getting caught up so he's getting caught up, grass is growing fast.

Mr. Dolce: I would make a suggestion that that may be something that the Housing Committee can work on over the next several months looking at proposals then maybe coming back before a decision is made, or even including a representative from the Real Estate Association or the landlords...have them come back, maybe have them part of the process so they may have some ideas as well as some things that would work better for them, rather than us just coming up with a policy and saying "this is it." I think there are people generally on there that would help and would want to see something done. One of the things that came out of the meeting that I went to – several meetings that I've been to – is that their frustration from a leadership standpoint is trying to get everybody on the same page and to follow suit and they get frustrated with certain issues, but yet I've heard that over and over again that sometimes we're our own worst enemies because we've got people that aren't following through with things according to the letter of the law, etc. So I think done the proper way could actually be help for them and not so much a hindrance.

Mr. Whitford: I went to the one meeting with the Realtors Association and the participation from landlords is pretty much minimal. They're the

ones that are doing the things that they need to do, and you're absolutely right – they should be involved in the ground floor on making a proposal as far as the landlord licensing...but some of the landlords that aren't necessarily responsible landlords that don't even participate – they don't want to.

Mr. Dolce: Right. But if a policy comes down whether they like it or not...

Mr. Whitford: We need something to make them move that in that direction.

Mr. Dolce: And that could help them with those others...

Mr. Whitford: Do we have enough copies for the other committee people?

Mr. Olson: I can make copies.

Mr. Rabb: I have two more here.

Mr. Olson: I'll put copies in the folders.

Mr. Whitford: I think what I'll do is I'll schedule a date in June, but it won't be our normal Monday night thing because we aren't really going to do much in a half hour, and that's all we had before the Public Safety meeting so, I'll look at the calendar, I'll talk to Councilmen Szwejbka and Taylor and see if we can't get some participation there and have it on a Tuesday or Wednesday on a night that's going to be good for everyone.

Mr. Whitford: If there isn't anything else, I'll make a motion to adjourn, but I will set up a meeting in June to discuss the licensing and I think it'd be appropriate if we invite someone from the realtors' association.

Mr. Rabb: Yes, and if you look at one of the things Tim brought up here in addressing the public – that was one of the things he discussed – is inviting landlords and tenants to something like this.

There being no further business, the meeting was adjourned.

James N. Olson
Director of Financial Services/City Clerk