

DRAFT

Durham Rental Housing Commission
February 3, 2010 – 4:00 PM
Durham Town Hall – Council Chambers

Chair Berton noted that he and Sam Flanders had meet to discuss the list of recommendations from the Resident Owner's Association that was presented at the last meeting and focused on four or five major points.

Chair Berton said there had been a meeting between the Neighborhood Association and University Officials and asked Ann Lawing to comment on the meeting.

Ann Lawing explained that the meeting was an informal meeting between residents and various University administrators. She said she felt the meeting was a chance for the University to listen to the residents and hear about the impact that student behavior and university policies have on residents. She said another meeting is being planned for February 16th or 17th.

Sam Flanders thanked Ann for taking the time to put the meeting together. He said he was concerned that the information communicated from the community was overwhelming. He suggested providing the University with a list of potential ideas to get their feedback.

Chair Berton asked Tom Johnson for an update on the new code enforcement assistant.

Tom Johnson said the assistant has been hired on an hourly basis and is gathering information and monitoring properties. He said his office has begun writing letters regarding violations.

The members discussed progress being made by the Town Attorney to discuss the administrative warrant issue with a district judge. Todd Selig noted that the attorney has attempted to make contact, but the justice has not replied. He said they are interpreting this as a lack of interest in discussing the administrative warrant issue with the town. Tom Johnson said it may be best to move forward with a case which is clearly in violation as a test case. Todd Selig noted there is no guarantee how quickly the administrative warrant process would work in any individual case.

The members discussed the effectiveness of the landlords attempting to bring peer pressure upon those landlords in violation.

The members discussed the Town Council's decision regarding the makeup of the Commission. Todd Selig noted that the Town Council requested that a second neighborhood representative be added and that the police, fire and code enforcement offices not have an official presence on the Commission. This would leave the composition of the Commission as: 2 landlords, 2 neighborhoods representatives, 2 representatives from the University, a student representative, a tenant representative and a Council representative. Todd Selig noted that the additional

1 neighborhood representative position would be advertised and the Commission would be kept up
2 to date about responses.

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4 The members discussed setting up a tentative meeting schedule. It was decided to tentatively
5 schedule meetings for February 23rd, March 16th and April 6th at 4 pm.

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7 The members then began their discussion of the list of suggestions submitted by the Durham
8 Neighborhood Association. There was a lengthy discussion regarding the change in the length of
9 time required for prior notice regarding occupancy, health and safety violations (#3). It was
10 suggested to change the current 10 days to 5 days. There was also much discussion regarding the
11 wording of this ordinance and the emphasis on compliance versus entry to the property.

12
13 This led to a discussion regarding a registration/licensing proposal (#1). It was noted that any
14 proposal of registration needs to be based on a healthy and safety basis. There was discussion as
15 to the possibility of requiring registration for single and duplex non-owner occupied rental
16 housing only and the type of information to be requested. The members would like property
17 owners to provide a name, address, contact information, a local contact, address of the rental
18 property and the number of occupants at the residence. There was a lengthy discussion as to how
19 the registration process would help to alleviate the over occupancy issue. It was suggested that
20 in addition to providing information, the registration would involve acceptance of annual or
21 twice yearly random inspections with a fee and consequence structure associated with failure to
22 comply, ending in the loss of the license. If a license is lost the property cannot be rented. The
23 members discussed how the professional landlords would react to a registration/licensing
24 proposal. It was noted that the process would not be successful unless the landlord association is
25 in agreement with it. The members discussed the possibility of having tiered licensing fees.

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27 The Durham Rental Housing Commission endorsed the moving forward with the exploration of
28 the registration/licensing process to help solve the over occupancy problem. Todd Selig will
29 instruct Town staff to investigate the registration/licensing process and report back to the
30 Commission.

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32 The members then discussed the Code Enforcement Health and Safety Department providing
33 ongoing documentation of violations.

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35 The members discussed what information should be presented to the Town Council. It was
36 decided that Paul Berton would present an overview of the work being done by the Durham
37 Rental Housing Commission and what the Council can expect the RHC to bring before them in
38 the near future.

39 40 **List of Suggestions from the Durham Resident Owner's Association**

41
42 1) Establish a rental property registration system for non-owner occupied single family and
43 duplex residences.

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45 #2) Enforce existing parking ordinances in residential neighborhoods and develop additional
46 parking regulations for non-owner occupied single family and duplex rental properties

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2 #3) Change Article III 175-10 B to allow the Code Enforcement Officer access to non-owner
3 occupied single family and duplex rental properties with minimum prior notice.
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5 #4) Develop an escalating fine structure to support enforcement of current codes and
6 ordinances for health and safety, fire and police. Consider adding a property maintenance
7 code.
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9 #5) Ask the Town Administrator to direct department heads to enforce codes and laws to set
10 an example.
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12 #6) Request that the town noise ordinance be changed to 10 pm 7 days a week.
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14 #7)) Request the Town maintain a database of police, fire, code and ordinance violations and
15 consolidate this information into a single database that identifies incidents by property. Also,
16 maintain an ongoing list of citizen requests for possible violations of existing State and Local
17 ordinances.
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19 #8) We endorse the concept of a disorderly house ordinance proposed by the Police Chief.
20 Consider applying regulations to houses deemed to be disorderly, including the possibility of
21 requiring permits for large gatherings.
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27 Respectfully submitted by,
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30 Sue Lucius, Secretary to the Durham Rental Housing Commission
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