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Town of Durham
Rental Housing Commission
September 15, 2010
4:00 pm
Town Council Chambers

Members Present: Chair Sam Flanders, Richard Peyser, Andrew Freedman, Jay Gooze, Mark Henderson, Brett Gagnon, Kitty Marple, Ann Lawing, Paul Berton

Public Attendees: Morey Borovick, Peter Stanhope, Diana Carroll, Johnanna Knight, Cathy Moranhao, Marty Smith, Pam Weeks, Annmarie Harris, Karen Mullaney, Robin Mower, Perry Bryant, Diane McCann, Susan Roman, Mark Rubinstein, Tom Richardson, Janice and Stan Aviza, Todd Campbell, Deputy Police Chief Rene Kelley

I. Approval of the Minutes from Prior Meeting

Jay Gooze MOVED to accept the August 2010 minutes as written. This was SECONDED by Kitty Marple and APPROVED unanimously.

II. Reports from Town Representatives (Code Enforcement, Police, Fire, Town Administrator, other boards or commissions)

Code Enforcement Office: Tom Johnson

Mr. Johnson said the past two weeks have been very busy. He said the office has received complaints from landlords and tenants, but not many complaints from permanent residents. He noted that the office has received a few calls with positive input and attributed this in part to the public relations work being done by the Durham Rental Housing Commission and the Town office. Mr. Johnson said there have been fewer violations this year, then last year at this time.

Jay Gooze noted that there have been residents that received trash violations caused by others littering on their property. He asked for ways to deal with similar situations that would prevent the residents from receiving violations for something that is not within their control.

Tom Johnson explained that the violation is not a ticket, but a notice/warning that there is a violation on the property. He said if the violation is observed early in the morning or if no one answers the door a violation notice is typically left on the front door, and a copy is mailed to the property owner. Mr. Johnson explained that in the case of a resident's property receiving a notice due to actions of others the Town would not pursue fines against the resident.

Mr. Johnson said the Town and this Commission has done a good job of getting information to the landlords, realtors and tenants. He noted that residents who do not attend these meetings may not be as informed with regard to ordinances.

1 Jay Gooze suggested a letter from the Town Administrator (similar to the letter mailed out to
2 landlords and realtors) explaining what is happening and why it is happening be mailed out to
3 town residents.
4

5 Paul Berton said as people become more educated they will feel more comfortable with the
6 enforcement issues.
7

8 Sam Flanders suggested having the violations driven by complaints.
9

10 The members discussed the State statute, which will take effect on January 1st which requires a
11 contact person, with address and phone number to be registered for each property that is an
12 apartment building or a single home with 3 renters or more.
13

14 *Chair Flanders asked for public comments:*
15

16 Cathy Maranhao noted her property on Coe Drive received two trash violations last week. She
17 said she has noted other properties with trash violations that have not received violation notices.
18 Tom Johnson said he would look into the properties mentioned as having trash issues, report to
19 the Commission, and noted that the part-time enforcement officer has an assigned route to follow
20 to check for parking and trash violations based upon previous complaints and/or a history of
21 complaints or issues. Mr. Johnson explained that the part-time employee does not have
22 administrative authority.
23

24 Todd Campbell said he observed someone observing, photographing and taking down license
25 plates of vehicles on his property and spoke with the individual. Mr. Campbell said the
26 individual was the part-time town employee who indicated he was on the street because of
27 previous issues. Mr. Campbell said he would like clarification of what information this part time
28 person is collecting and what it will be used for.
29

30 Jay Gooze said he understands the concerns, but this relatively new process is still being worked
31 on. He suggested speaking directly with the Code Enforcement Office if residents have
32 questions or concerns.
33

34 Johanna Knight asked if the routes are being assigned because of complaints received.
35 Tom Johnson replied that the routes are being decided based on properties that have traditionally
36 had issues and/or based on last year's history. He said if no violations are found during the first
37 few weeks of the fall the observation won't continue unless there is a complaint.
38

39 Peter Stanhope said the issues created by student rentals in residential neighborhoods trouble
40 him. He said he likes the complaint driven suggestion, noting that properties people call about
41 are more serious. He said the Town provides free trash pick-up on Main Street, but adjacent
42 roads do not receive this service. Mr. Stanhope questioned the fairness of excluding the area that
43 is generating part of the problem. He said if someone has a problem property he is in favor of
44 enforcing all codes, but the nature of having an enforcement overlay district without it being
45 identified is worrisome.
46

47 Chair Flanders asked for the members to comment on the issue of code enforcement observing,
48 recording, and photographing specific properties..
49

1 Ann Lawing said she has concerns, but is mindful that Tom Johnson and his office is trying to do
2 the best he can based on feedback from these meetings. She said if the policy is perceived to be
3 over enforcement then modifications should be considered. Ms. Lawing said Mr. Johnson has
4 done a terrific job and has no intent to single any one out.

5
6 Brett Gagnon said she agrees with Ms. Lawing. She said while she might take issue with having
7 a car parked outside her home taking photos, she feels that Mr. Johnson is doing the best he can
8 with limited resources and following the directions given him by the Commission.

9
10 Kitty Marple said, while most people break codes at some time, the increase of students residing
11 in the neighborhoods need to be slowed down. She said she is concerned permanent residents
12 will become marginalized and will begin to leave town.

13
14 Jay Gooze said this is a problem the town and the commission have been wrestling with. He said
15 there needs to be proof of over occupancy and the only way to obtain that is through the
16 observation being done by the code enforcement office.

17
18 Andrew Freedman suggested having a program to clean up areas affected by the students. Jay
19 Gooze said it would be a good program for the University to begin. Tom Johnson said he is
20 meeting with the leaders of the Greek system and will make this suggestion to them.

21
22 Andrew Freedman said dormitories could also be involved in such a program.

23
24 Mark Henderson said he believes the observation/surveillance should be complaint driven.

25
26 Sam Flanders said his neighborhood has seen a dramatic improvement; it is a happy, nice
27 neighborhood. He said he is concerned because of some of the issues brought up by the public
28 regarding specific sets of people in town being targeted. Chair Flanders said it is a difficult issue
29 to deal with, but he feels it needs to be a complaint driven process.

30
31 Morey Borovick said he does not feel the term surveillance should be used, it is observation to
32 gain information.

33
34 Annmarie Harris said she feels the changes in neighborhoods have been enormous due to more
35 students living in single family homes. She said she feels the regulations are needed and if a
36 resident has questions or issue they can call the town offices and ask for an explanation. She
37 said she feels the dilemma in town has escalated to the point that solutions are needed.

38
39 Robin Mower suggested addressing the question of where the trash is coming from. She
40 suggested working with UNH and students to educate them about littering and work with UNH
41 to establish a trash program.

42
43 Jay Gooze said Andrew Freedman's suggestion regarding a UNH trash clean-up program should
44 be followed through on.

45
46 Ann Lawing said there have been similar initiatives and there are issues of liability.

47
48 Sam Flanders suggested brainstorming with the University to come up with ideas - he noted
49 there may be easier programs to institute.

1 Jay Gooze said he, Diana Carroll and Todd Selig met with UNH's President Huddleston and
2 began a dialogue regarding joint programs with UNH. He strongly suggested figuring out a way
3 to make such a trash cleanup program work. He also suggested making a decision on having
4 complaint driven only violations for trash. He asked Tom Johnson what he thought of this
5 approach. Mr. Johnson said it would be best to speak with the Town Administrator and the
6 Town Council to come up with a new policy or new procedure.

7
8 Mark Henderson asked how this year compares to other years with regard to code violations.
9 Tom Johnson said it has been better this year. He said the numbers of complaints are lower this
10 year than last. He noted the trash complaints are an educational tool for new tenants in the
11 houses.

12
13 Mark Henderson said he has problems on his properties the first few weeks, the renters need to
14 be educated, and then the problems dwindle off. He noted this happens every semester – that it
15 is part of the process.

16
17 Police Department: Deputy Chief Rene Kelley
18

19 Deputy Chief Kelley agreed that things are better. He noted the past Saturday night was very
20 busy responding to noise complaints. Deputy Chief Kelley said there have been a smaller
21 number of complaints than at the same time last year. He said the general feeling is that the
22 initiatives put in place are working and will continue to address problem properties through the
23 landlords and the University.

24
25 The members discussed location of calls over the weekend and the use of sirens in early morning
26 hours. They also discussed the University's discipline process when a student has been arrested
27 off campus. Ann Lawing told the members that off campus infractions are treated the same as on
28 campus infractions.

29
30 The members discussed a large party on Edgewood Road, which occurred with over 100 people
31 in attendance. Tom Richardson asked if this was a violation of a life safety code. The possible
32 uses of life safety occupancy limits were discussed.

33
34 Todd Campbell asked if the Town has considered having a beat cop. Deputy Chief Kelley said
35 the department has two officers on bicycles and four on foot on Thursdays, Fridays and
36 Saturdays.

37
38 **III. Comments from Commission Members**
39

40 Jay Gooze read to the members an excerpt from the agreement, which set up the Durham Rental
41 Housing Commission and assigned it responsibility:

42
43 “..Commission is charged with addressing and resolving on a continuing basis public
44 policy issues associated with rental housing”

45 “..Commission is created for the purpose of facilitating enforcement of Town ordinances
46 and fostering positive communication between all constituent groups represented on the
47 Commission...”

48 “...Commission will meet regularly and will be charged with accepting complaints from
49 any party in the Town, including Landlords, regarding violations of laws or codes and

1 with the authority to refer these complaints without evaluation or comment to the
2 appropriate Town enforcement agents, or other appropriate enforcement entities...”
3 “...Commission will be charged with improving relations between residents, landlords,
4 tenants, the Town and the University, and with improving communications between these
5 groups and with fostering a positive and cooperative atmosphere...”
6 “...Commission will be charged with creating a model lease....”
7

8 The members discussed ways to encourage landlords to become involved and possibly be part of
9 the Durham Landlord Association. Chair Flanders said there are approximately 150 rental
10 property owners in Durham and the Durham Landlord Association has approximately 24
11 members. Paul Berton said the association has denied membership in the past. Mark Henderson
12 said there is currently a membership that is on probation because of problems on his property.
13 He noted the landlord wants a semester to prove himself and the DLA will be keeping an eye on
14 him and his property. Jay Gooze said the DLA is a good thing and would like to encourage other
15 landlords to be involved. He noted that membership in the DLA would be considered a good
16 faith effort in trying to solve issues with rental properties.
17

18 **IV. Public Comments**

19

20 *Chair Flanders asked for complaints regarding rental property:*

21
22 Jay Gooze said he had a noise issue with the property next to him. He said he spoke with the
23 tenants and asked them to please go inside their property so the noise would be lessened, which
24 they did and there was no further issue.
25

26 Todd Campbell asked if the commission has thought about having neighborhood liaisons as was
27 suggested by a resident at the Town Council meeting. He said this could act as a way to build up
28 the feeling of community. Mr. Campbell volunteered to act as a neighborhood liaison in his
29 neighborhood.
30

31 Diane McCann noted noise problems with a property on Garden Lane. She said after speaking to
32 the residents the noise level decreased. Ms. McCann suggested there should be a way to explain
33 to renters that they cannot disturb others.
34

35 Perry Bryant suggested it would be more helpful to get complaints in writing.
36

37 Chair Flanders said the Commission is looking for specific complaints with what happened,
38 when it happened and what bothered the resident. He suggested emailing him complaints
39 (samflanders@durhamnh.us).
40

41 Cathy Maranhao said there have been people walking through her yard on Bayview Road to get
42 to Young Drive using their cell phones as flashlights. Deputy Chief Kelley suggested calling in
43 when this occurs and they will come over to check on it.
44

45 Marty Smith said that 30 years ago there was a problem with trash in the public way on Main
46 Street. She said that problem was corrected by putting more trash receptacles on Main Street.
47 She suggested putting trash receptacles on Mill Road and other roads adjacent to Main Street to
48 encourage people to put trash in the trashcans and not on yards or the street.
49

Jay Gooze said there might be a problem with the trashcans disappearing. Ms. Smith suggested chaining them down if that becomes an issue.

Janice Aviza asked when the surveillance on Garden Lane would stop. She said they have the same tenants as last year and there have been no complaints. Mr. Johnson noted an issue in the past with the number of vehicles parked at the property. Jay Gooze suggested she work with the Code Enforcement Office on issues related to this property.

The members had a discussion of parking requirements for different zones and how best to alert residents to requirements in their zone.

Chair Flanders noted that a number of items on the agenda were not covered at this meeting. He suggested that item VIII (*What additional initiatives should be considered?*) be discussed at next months meeting.

The following agenda items were not discussed, due to time constraints, at the September 15, 2010 meeting of the Durham Rental Housing Commission:

- V. *Review, Adjustment, and Consent to the Agenda*
- VI. *Review of Public Feedback to Current RHC Initiatives*
- VII. *Open Forum Discussion*
 - a. *What are current concerns of Durham's single-family landlords?*
 - b. *What are current concerns of Durham's commercial landlords?*
 - c. *What are current concerns of student residents?*
 - d. *What are current concerns of traditional residents?*
- VIII. *What additional initiatives should be considered?*
 - a. *"Residential Quiet Zone" awareness initiative*
 - b. *Partnership strategies with UNH*
 - c. *Strategies for working with Realtors*
 - d. *Town/UNH communications/Media – Publicity*
 - e. *Education on trash laws/pick up/recycling*
 - f. *Town's procedure for review of property transfer*
- IX. *New business or Other business as time permits*

X. Setting of the next meeting date

The next meeting of the Durham Rental Housing Commission will be held on Wednesday October 13th, 2010 at 4 pm in Town Council Chambers.

The November meeting of the Durham Rental Housing Commission will be held on Wednesday November 10th, 2010 at 4 pm in Town Council Chambers.

XI. Adjourn

The September 15th, 2010 meeting of the Durham Rental Housing Commission adjourned at 5:35 pm

Respectfully submitted by,

Sue Lucius, Secretary to the Durham Rental Housing Commission