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**Town of Durham
Rental Housing Commission**

June 22, 2011

4:00 pm

Members Present: Kitty Marple, Ann Lawing, Jessica Fruchtman (UNH Student Body VP),
A.J. Coukos (UNH Study Body President), Pam Weeks

Members Not Present: Paul Berton, Brett Gagnon

Public Attendees: Tom Johnson, Diana Carroll, Annmarie Harris, Cathy Maranhão, Robin
Mower, Janice Aziz, Sam Flanders, Jay Gooze, Police Chief David Kurz, Deputy Fire Chief
Steve Mccusker, Karen Mullaney, Mark Rubenstein

I. Approval of the minutes from May 18th

*Ann Lawing MOVED to approve the May 18, 2011 Durham Rental Housing Commission
meeting minutes as written. This was SECONDED by A.J. Coukos and APPROVED
unanimously.*

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

Police Department Report:

Chief David Kurz reported that the spring was relatively calm. He noted they are still compiling
statistics for the end of the year. Chief Kurz reported that arrest figures are down for both the
Durham and the UNH Police Departments, as well as State Police regarding liquor enforcement.
He said they have been collecting data for the last 6-7 years which provides them with some idea
that the Durham Police Department's strategy of doing physical arrests is having some impact,
including a lack of recidivism. Chief Kurz said it is rare that the same person is arrested twice,
which is a signal that the message is clear. He noted that 40-60% of arrests are not students –
which is not unimportant.

Chief Kurz reported that a summons was issued to the owner of a house on Bay Road for hosting
an underage party. He said probable cause sprang from a noise complaint at 2 am. Chief Kurz
said the owner/parent was in the home sleeping during the party and had to be awoken and
informed of the event. He said multiple underage persons were present. Chief Kurz said the
summer is time for the Police Department to recharge and do significant training.

Chief Kurz reported that the Boston Police Department contacted the Durham Police Department

1 to seek advice regarding methods used during celebratory rioting.

2
3 Ann Lawing reported that the University's end of year data for the conduct system is seeing a
4 very low recidivism rate also. She said the "Choices Matter" DVD is available on the web and
5 explained it is a 16-minute video that UNH has been showing for five years. She said it is given
6 to parents during the summer and they are encouraged to watch it with their incoming freshmen.
7 Ms. Lawing said the DVD overviews the laws and consequences that can be expected

8
9 Chief Kurz said this was a collaborative effort with UNH, the landlords and both Police
10 Departments.

11
12 Jay Gooze said he wishes to remind everyone that when different houses within the same
13 neighborhood have calls on them, this creates a cumulative effect that affects the quality of life
14 in the neighborhoods.

15
16
17 Fire Department Report:

18 Deputy Fire Chief Steve Mccusker reported that things have slowed down considerably with the
19 end of the school year.

20
21
22 Code Enforcement Office:

23 Tom Johnson reported that the last couple of weeks have been quiet. He noted he was on
24 vacation and missed graduation weekend, but that there were not a lot of emails when he
25 returned. Mr. Johnson said there was an email regarding 89 Mill Road looking for an additional
26 renter for the property. He said he called on the property and spoke with the son of the owner to
27 discuss the situation. Mr. Johnson said they will keep an eye on the property and will write a
28 letter to the owner next week.

29
30 Mr. Johnson reported that the property owner on Oyster River Road scheduled a meeting with
31 the Town Administrator to discuss issues as outlined by the Town. He said the Town is waiting
32 for them to respond in writing.

33
34 Mr. Johnson reported that the judge dismissed the appeal by Rivers Edge property owner
35 regarding Capstone. He said Rivers Edge may chose to appeal to the Supreme Court.

36
37 Jay Gooze noted the decision was on the standing of Rivers Edge to be an aggrieved party. He
38 said the decision noted that Rivers Edge is not close enough to be considered an abutter. Mr.
39 Gooze noted the decision was not on the merits of the case – it was on the standing.

40
41 Tom Johnson reported he has received a couple of complaints regarding properties on Edgewood
42 for trash and appearance. He said when he checked the properties all incidences had been
43 rectified.

44
45 Jay Gooze noted that the Town Council is working on a new trash ordinance. He said the next
46 step is to meet with the Town Administrator and the Town Attorney.

1 Tom Johnson commented that the form used for trash notification is being redeveloped and he
2 hopes to have it in place by September.

3
4 Robin Mower asked if 89 Mill Road has been a site of violations in the past. Mr. Johnson
5 responded that there were violations when the property was first purchased for the son/daughter,
6 but things have calmed down since then.

7
8 Town Administrator Office:

9 Todd Selig is on vacation so there was no report.

10
11
12 III. Public comments –

13
14 Sam Flanders said he saw the agenda included an item regarding “rental housing licensing
15 program”. He said he wants to reiterate that the basis for the licensing is for the purpose of
16 health and safety. Mr. Flanders said with the Capstone project moving forward some property
17 owners feel property value will be affected and rents will go down. He said this may have an
18 impact on their ability to maintain the properties. Mr. Flanders said this is something to keep in
19 mind when discussing the rental housing licensing issue.

20
21 Unfinished Business

22
23 IV. Voluntary seal of approval list—

24
25 Chair Marple said that Ann Lawing and Paul Berton were asked to do some research on the “seal
26 of approval” idea.

27
28 Ann Lawing said she spoke briefly with the UNH attorney, whose initial thoughts were that he
29 would look at an independent, very transparent, objective third party mechanism that is clearly
30 laid out and agreed upon in terms of criteria. She said he was reticent to advise that UNH
31 participate in any approval mechanism – due to liability. Ms. Lawing said he advised that UNH
32 should be very clear about the relationship. She said those were his preliminary thoughts – but
33 they are interested in hearing more as the idea moves along.

34
35 Jay Gooze said one way to proceed is to think about having UNH just provide a list of properties
36 that have passed an inspection and not advocate the properties.

37
38
39 V. Any Development from Coe Drive guests

40
41 Tom Conway said his conversation with other property owners on Coe Drive did not go well due
42 to monetary constraints. He said he met with the paving people and reported that it would cost
43 \$28,000 to to put a 2” coat of paving on the road. Mr. Conway said he met with Mr. Johnson
44 who reported that the paving people said that the road is in such bad shape that it needs to be dug
45 up, crushed stone placed, and a base coat applied. He reported this would cost \$56,000. Mr.
46 Conway said he spoke to neighbors (at # 4 and #6) who said they would be interested in paving

1 from the beginning of Coe Drive to #10 on Coe Drive if the cost were reasonable. He said the
2 cost for that area would be \$5000 for a coat and \$10,000 to do the more extensive repair and
3 coating. Mr. Conway said from a financial standpoint, the owners do not like the idea. He said
4 he met with Mike Lynch who said his next budget request would include a request to maintain
5 the median strip in the area by cutting down the trees and putting up a "Welcome to Coe Drive
6 Neighborhood" sign. Mr. Conway said if this passes, it would include mowing every other
7 week.

8
9 Jay Gooze asked if there had been any conversation regarding the use of a security firm. Mr.
10 Conway said the others owners were not in favor of employing such as firm due to their concerns
11 of the cost.

12
13 Chair Marple asked Pam Weeks to ask Paul Berton for a cost estimate of such a service. Mr.
14 Conway said once he had a cost estimate, he would speak with the property owners about the
15 issue again.

16 17 18 New Business

19
20 VI. 89 Mill Road – discussed previously in the meeting

21 22 VII. Rental licensing, Hanover Model

23
24 Chair Marple distributed documents regarding the Hanover Model for a Rental Licensing
25 process. She said she has the sense that this may be a cumbersome process for the Town of
26 Durham to embark on since it will require yearly inspections and a position to perform this duty.

27
28 Robin Mower said the Hanover model is set up to be a self sustaining effort – that is the fees
29 would pay for the salary of a residential inspector who would report to the building inspector.
30 She suggested the members of the Commission and the DLA review the documents and provide
31 comments and discussion at next months meeting.

32
33 Jay Gooze said he did have a chance to read the document and believes it can be used as a
34 template to help resolve health and safety issues. He said if the inspector sees others violations
35 he will be required to report them to the Town. Mr. Gooze said he believes the issue will be the
36 fee associated with such a process. He said he thinks it is time for Durham to move ahead with
37 this.

38
39 Chair Marple noted that the fees would need to be significant to pay for a position.

40
41 Tom Conway said he read the model and believes it gives a lot of control to the inspector.

42
43 Robin Mower said the Town already has the same control. She noted that if the Code
44 Enforcement Officer or the Fire Department inspects a property and finds a safety and health
45 violation the owner will be sited.

1 Tom Johnson noted that this has occurred and in the past and occupants have been required to
2 vacate a building until deficiencies were corrected. He noted this has been complaint driven.

3
4 Tom Conway said some safety and health issues in the buildings might be due to the tenants and
5 not the property owners (such as mold and mildew).

6
7 Robin Mower said the current process is complaint driven and there is some evidence from other
8 towns, that the number of violations are significantly higher than those that are reported. She
9 said this is one reason why having a system that is not complaint driven is appropriate in
10 protecting health and safety.

11
12 Pam Weeks asked why this would not be required of all homes and not just rental properties.

13
14 Robin Mower said the situations are different; a property that is owner occupied is taking on the
15 responsibility for themselves, as a renter you are depending on the property owner.

16
17 Jay Gooze said the RSA which gives the authority for rental housing licensing programs only
18 covers rental properties. He said the State of New Hampshire has given the authority for this to
19 be done to protect tenants and there is no authority to do this for all residents.

20
21 Robin Mower said the Town of Hanover Administrator said he spoke with their insurance
22 provider for landlords in Hanover, who said that this would lower their insurance costs. He
23 noted the fee in addition to the lowering of insurance costs would result in no increase to the
24 property owners.

25
26 Chair Marple said the town of Aurora, Illinois has noted that their landlords are in favor of this
27 saying that it has improved the quality of their product.

28
29 Jay Gooze reported that in the beginning of the program in Aurora there was a lot of push back
30 from the landlords. He said it took a long time to get everyone on board, but in the end, the
31 landlord's found it was better for them by creating better properties and happier tenants.

32
33 Robin Mower said perhaps more properties would be occupied if they were in good condition.

34
35 Jay Gooze said he believes if a property is well maintained, walkable, and located in town it will
36 be in high demand. He said he would like to see this Commission come up with an endorsement
37 of this program. Mr. Gooze said he will be moving this forward with the Town Council because
38 he believes it is good for the tenants.

39
40 Chair Marple said the program in Aurora Illinois has had an overall positive effect and receives
41 few complaints.

42
43 Ann Lawing asked if the Commission has a stated or unstated goal in mind with the discussion
44 of the "seal of approval" and the rental housing licensing program.

45
46 Robin Mower said she believes the Commission feels it is important to provide better quality

1 living conditions which may lead to better behavior.

2
3 Robin Mower suggested asking the Durham Town Planner to have a conversation with the
4 Hanover Town Planner.

5
6 Sam Flanders suggesting providing more information regarding landlords supporting these types
7 of efforts in other towns. He suggested providing this information to the local landlords and
8 discussing it with them. Mr. Flanders said if it helps their business, they would be in favor of it.

9
10 Robin Mower suggested sharing the website link for the Aurora, Illinois experience with the
11 members of the commission and the DLA.

12
13 Tom Johnson said it is helpful that the model of Hanover is being discussed because it is in state
14 and the same attorney that represents the Town of Durham represents the Town of Hanover.

15
16 Tom Conway said the idea of education regarding other landlords feelings on such a program is a
17 good idea. He said from an overall perspective it would be helpful. Mr. Conway also suggested
18 that a document stating succinctly the benefits of this idea or an email to the landlords suggesting
19 the benefits would be educational and helpful.

20
21 Jay Gooze asked the student representatives on the Commission if they would be willing to look
22 at the Planning Board meeting minutes regarding this discussion. He said that may be very
23 valuable.

24
25 Chair Marple said she would contact the Hanover Town Planner and attempt to forward
26 information to the student representatives.

27
28 Susan Roman said she is aware of a college in Virginia that maintains a list of landlords that do
29 criminal background checks on tenants in apartment complexes, and landlords who went through
30 a voluntary inspection process.

31
32 Robin Mower said there is a distinction between lists that are endorsed versus a list that is an
33 indication that a property has passed an inspection.

34
35 Jay Gooze said the Capstone project has agreed to have inspections in place (5% will be
36 inspected every year on a random basis). Tom Johnson noted that this will be written into the
37 leases for the Capstone apartments.

38
39 Robin Mower asked the student representatives if they think a survey conducted by students of
40 off campus housing conditions would be informative to the Commission.

41
42 AJ Coukos asked what information the survey would be looking to find. Ms. Mower suggested
43 viewing the Aurora Illinois website for ideas.

44
45 Jessica Fruchtman said she believes it would be informative, but noted there is a problem getting
46 surveys filled out by student renters.

1 Mr. Coukos said the Commuter's Office would be the appropriate place to handle such a survey.
2 He noted there is no formal listing of emails for student renters in Durham.

3
4 Chair Marple displayed a sample of a "Welcome to the Neighborhood" signs. Mr. Gooze said
5 that the Town is in the process of putting up the signs in neighborhoods.

6
7 Chair Marple encouraged people to read the Hanover document regarding Rental Housing
8 Licensing to get an idea of what is possible and to bring ideas of what they think about a fair and
9 reasonable inspection schedule. She also suggested that they read the Twilight in Bellingham,
10 WA (thezonemaven) website for information. Chair Marple said she would ask the Durham
11 Town Planner to speak with the Hanover Town Planner.

12
13 Robin Mower noted that the new neighborhood representative needs to be formally appointed
14 and that there are other vacancies on the commission.

15
16 VIII. Set next meetings:

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18 The next regularly scheduled meeting for the Durham Rental Housing Commission is scheduled
19 for August 17th at 4pm and September 21st.

20
21 XI. Adjourn

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23 The June 22nd, 2011 meeting of the Durham Rental Housing Commission adjourned at 5:16
24 pm.

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26
27 Respectfully submitted by,

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29
30 Sue Lucius, Secretary to the Durham Rental Housing Commission
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