

Approved: November 2, 2011

**Town of Durham
Rental Housing Commission**

September 21, 2011

4:00 pm

Members Present: Kitty Marple, Jessica Fruchtman (UNH Student Body VP), A.J. Coukos (UNH Study Body President), Brett Gagnon, Karen Mullaney, Paul Berton (and Tom Richardson), Ann Lawing

Members Not Present: Pam Weeks

Public Attendees: Diana Carroll, Police Chief David Kurz, Deputy Fire Chief Steve McCusker, Deputy Chief Rene Kelly, AnnMarie Harris, Tom Johnson, Robin Mower, Mark Henderson, Sam and Janice Aviaz, Perry Bryant

I. Approval of the minutes from June 22nd

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:

Deputy Chief Rene Kelly said it has been a very busy fall and that calls are up 30% and arrests are up 25%. He said the Officers are busy from 9 pm to 4 am and that they had hoped to scale back on overtime but this would need to be reviewed on a week by week basis. Deputy Chief Kelly said each Monday a report is forwarded to the Town Administrator regarding the previous weekend's activities.

Karen Mullaney asked what percentage of the arrests are students and Deputy Chief Kelly responded that 56% of arrests are students and 44% are non students.

Chief Kurz said they are not sure what is causing the increase other than the good weather. He said there has been more activity later in the evenings. He said the strategy is to create a high visibility to increase the feeling of safety and to discourage undesirable activity.

Chair Marple asked if the Police Department has a sense if the arrests are mostly attributed to first year students.

Chief Kurz said the data is sent to the University, who informs the Deans of the various colleges which students in their colleges have been listed and they in turn require the students to meet with the Deans to discuss the situation. He said they have seen an abundance of first year students, but other years as well.

A.J. Coukos asked what has been the most predominant type of arrest and Chief Kurz responded that disorderly conduct is the most common type of arrest. Chief Kurz said the recidivism rate is almost nonexistent.

Annmarie Harris asked if there have been fewer arrests in neighborhoods than the downtown area and Chief Kurz responded that the trend is lending toward more arrests downtown.

Fire Department Report:

Deputy Chief Steve McCusker reported that there has been an increase in medical calls for injuries, but the fire calls have been average.

He reported that the Fraternities have been inspected and issued their assembly permits.

Robin Mower asked if there had been a change in the way the data is collected.

Deputy Chief McCusker responded that they are working on changing the way the data is collected to include time of call, gender and location. He noted this is a difficult process because of the differences in collecting data and privacy issues regarding medical information.

Robin Mower asked Police Chief Kurz if patrols cars patrol through neighborhoods on a regular basis.

Chief Kurz responded that neighborhoods are patrolled, but from 9 pm to 4 am the focus of the department is on the downtown area. He said if someone calls the department will respond.

Karen Mullaney noted that when a resident phones in a complaint they are actually phoning the Strafford County dispatcher. She said she is unclear what information needs to be provided to them.

Chief Kurz said stating the type of disturbance and location should be enough for the dispatcher to respond in an appropriate manner. He said if there are any issues with the dispatch the Police Department should be made aware of them.

Code Enforcement Office:

Tom Johnson reported that there is new construction at; 1) the Grange Hall which will be

used for student housing, workforce housing and commercial use; 2) 9 Pette Brook Road which will be a 4 story building with commercial and housing uses; 3) the Capstone project has begun pouring concrete and set up a sales office downtown in Jenkins Court.

He reported that courtesy notes for trash violations are being left with tenants. Mr. Johnson explained that the system includes a fine of \$150 for a first time offense, a fine of \$300 for a second time offense and a fine of \$1000 for the third offense.

Mr. Johnson noted that they have been looking for parking and other violations along with the trash violations. He said some cars have been viewed parking on curbs and sidewalks and that some violation letters have been sent regarding occupancy based on the number of cars. Mr. Johnson said they have done two occupancy inspections and both passed (Coe Drive and Mill Road).

Mr. Johnson said it has been a busy year and with the budget reductions he does not have the part time employee, however, someone will be coming on to help with construction inspections.

There was a discussion with Mr. Johnson regarding some properties being grandfathered and the use of the assessor's website to try to ascertain properties which are likely to have over occupancy. Annmarie Harris suggested that cooperation between the Code Office and Fire/Police personnel during inspections would be helpful. Chief Kurz reminded the members that there are constitutional issues with regard to entering a property and Mr. Johnson noted that most tenants are aware that they do not need to allow him entrance to the property. He also noted that there are times when the parents of student renters are concerned with the health and safety level of an apartment.

Mark Henderson noted there is a process for parents to file a complaint regarding housing issues with the Code Office.

Mr. Johnson said if parents phone with concerns he informs them that the tenant needs to phone his office and request an interior health and safety inspection by the health officer.

Mr. Henderson asked how many are done a year and Mr. Johnson responded that two is the normal. He noted that the tenant needs to allow this to occur.

Annmarie Harris asked what type of information is needed to prove over occupancy. She noted one councilor suggested having a private investigator provide information and asked if a neighborhood could hire someone to get information in an attempt to get an administrative inspection warrant.

A.J. Coukous asked what the focus is, over occupancy or health concerns, and Mr. Johnson responded that they are both of concern.

Ms. Mower said the argument could be made that if the property is over occupied the tenant is less likely to file a formal complaint about health and safety. She suggested the

student body government educate the students as to their rights as tenants to request certain types of inspections.

Brett Gagnon said the Commuter Office offers this type of education in the form of workshops in the fall and being published in the community guide.

Paul Berton asked if a tenant has health and safety concerns can the Code Officer get in immediately and Mr. Johnson responded that he can as long as the person with the concerns is on the lease. He noted that he can view the living space of the person complaining and all common areas, but not other renter's living space if they are not present.

Paul Berton asked if any progress has been made in the past two to three years regarding the issue of student rentals in neighborhoods.

Karen Mullaney said that her end of town has more houses that have sold and are now rentals.

Chair Marple said Edgewood Road is becoming a student road.

Chair Marples said there seem to be fewer complaints from people about the noise than from two to three years ago. She said generally speaking it has improved somewhat but there also appears to be more real estate that is student occupied.

Paul Berton noted that single family homes are not a high market value currently.

Peter Anderson said he is a local builder and broker and is dealing with a number of houses in Durham. He noted a lot of houses are run down and in bad shape and the owners find it difficult to sell to families. Mr. Anderson said he feels this speaks to economic problems; people can't sell their houses for what they could in the past and are holding on to them until things change. He said he feels this will reverse as the economy improves.

Ann Lawing reported she had had a conversation with the landlord of 26 Strafford Avenue regarding noise issues and will be visiting the residents of 17 Edgewood Avenue.

Town Administrator Office: not present at this meeting to give a report

II. Inspection

Chair Marple said progress has been slow regarding this effort but it is moving along. She noted there are individuals who are advocating for health and safety inspections for rental properties in Durham. Chair Marple noted that the Town of Hanover has such a program and they are being contacted for information. She noted that Hanover is more concerned about old and dilapidated buildings than student rental property; therefore their priorities

are different than Durham's. Chair Marple noted that because of the high population of students in family neighborhoods issues will continue to arise. She asked if anyone had any simple and effective ideas to address these issues. Chair Marple commented that she believes inspections will be supported and eventually become approved for rental properties.

Mark Henderson asked if it would be inspection for all rental properties including accessory apartments.

Chair Marple said she believes there is a motion to consider removing owner occupied properties from the list.

Mr. Henderson asked if it would be fee based and Chair Marple responded that it would be.

Ms. Mower said she is surprised there is not more demand from student renters for health and safety inspections.

Chair Marple noted it does not seem to be a high priority for student renters.

Jessice Fruchtman said that students do not always go to the Town to make a complaint. She noted when she had issues she brought it to the attention of her landlord.

Ms. Mower said another college town has seen the results of a survey showing that in many cases violations are not brought to the attention of the landlord or the town because of student concerns. She said there is a sense of gross under reporting and that students are hesitant to make calls to the landlord and the town.

Ms. Fruchtman said it is not an issue contacting the landlord, but proceeding further than that is where there is an issue. She said many students want the issues resolved with the least amount of fuss and do not want to make an issue of it.

Perry Bryant asked Chair Marple why she feels inspections are imminent. He noted Durham does not have the dilapidated housing stock with major problems like other college towns and there is a proactive group of landlords working to protect properties.

Chair Marple said the inspection process would be fueled by the problems of over occupancy.

Mr. Bryant suggested that the issue of inspections be framed with regard to the problem of over occupancy and not as a health and safety issue.

Chair Marple said that health and safety needs to be part of it because there are some of these issues as well.

Mr. Bryant said the issue of occupancy needs to be looked at. He said as a landlord he is in favor of that and that he would rather have the students in his apartments and not in

neighborhood houses. Mr. Bryant said part of the issue with inspections is the idea that this forces the landlords to pay more fees to address a problem that they are not part of. He said the occupancy rule is on the books and the Town needs to enforce it for everyone.

Ms. Mower asked if he would be in favor of a registration not associated with health and safety inspection that lists occupancy only.

Mr. Bryant needed to consider this before responding.

Mr. Henderson agreed that fees are the problem. He said health and safety is not the issue, occupancy is the issue. Mr. Henderson noted that professional landlords are being penalized for the single family housing issues.

Mr. Bryant said laws in Durham are strict but not enforced. He suggested since single family houses are the problem to go after the single family houses.

Ms. Mower said every effort is being made to enforce within the legal constraints.

Mr. Bryant said he does not agree. He said because a certain percentage of home owners are not playing by rules they have to pay the consequences.

Mr. Henderson said he does not look forward to paying every time an inspection is done on one of his properties. He suggested making an ordinance for non-owner occupied single family homes.

The members discussed the agreement that the Town has made with the Capstone project to randomly inspect 5% of their units for a one time inspection fee of \$50. Mr. Johnson noted that Capstone has wording in their leases to all tenants that this will occur. The question was asked if the Town of Durham could make this a requirement of all leases in Durham. Mr. Johnson said the Planning Board could require this of new construction if they wished.

Janice Aziz asked how many neighborhood houses are a concern at the moment and Mr. Johnson responded that the number changes every year. Ms. Aziz asked why this approach is being taken if the number is small.

Chief Kurz said the people present at this meeting are not the issue and that is problematic. He said there is wide recollection that it is single family rentals in the wrong location that is causing the problems. Chief Kurz said they will work in different ways to try to resolve these homes that are problematic. He suggested that Planning and the Police Department need to cooperate. Chief Kurz said the economy has had some impact.

Mr. Henderson referenced the Disorderly House ordinance instituted last year which has not had a need to be activated. He said now a year later there is the idea of inspections as

an attempt to deal with these issues. Mr. Henderson said he does not believe it is the answer.

Karen Mullaney said she believes the Disorderly House ordinance has helped and that people are aware that complaints will get action and that landlords need to speak to their tenants. She asked if the Town was advised by their attorney that they could differentiate between single family rental houses and multi-family rentals.

Mr. Henderson asked how a registry inspection would help.

Ms. Harris said the registry would require the landlord to sign a piece of paper saying that the property is restricted to only three renters.

Mr. Henderson suggested adding this statement to the tax bill and requiring it to be signed and state that it is a non-owner occupied rental unit.

Ms. Mower said it would be worth discussing with the Town attorney.

Chief Kurz suggested a way to have access into a house is to have a Code Enforcement employee that can get called in by the Police Department when they are called to houses. He said it would be interesting to ask the Town attorney if the Town has legal justifications under those circumstances.

Ms. Mower said it would be useful to know how other towns manage these types of issues. She said towns that host colleges need help from the State.

Mr. Bryant said it would be useful for UNH to have some discussions with students off campus that are having issues and to get the word out regarding the three unrelated ordinance.

Chair Marple noted that Ann Lawing (UNH Dean of Students) and Town Administrator Todd Selig distributed a letter last year regarding this.

Ms. Lawing said a similar letter will be distributed next week.

Chair Marple announced that the next meeting of the Durham Rental Housing Commission will be on November 2, 2011 at 4:00 pm.

Chair Marple MOVED to adjourn at 5:51 pm. This was SECONDED by Ann Lawing and APPROVED unanimously.

The September 21, 2011 meeting of the Durham Rental Housing Commission adjourned at 5:51 pm.