

*Approved - April 13, 2011*

Town of Durham Rental Housing Commission  
Special Meeting  
October 13, 2010  
4:00 PM  
Town Council Chambers

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

**Public Attendees:** Karen Mullaney, Deputy Fire Chief Steve McCusker, Deputy Police Chief Rene Kelley, Diana Carroll, Mark Rubinstein, Todd Selig, Cathy Maranhao, Susan Roman

Chair Flanders called the meeting to order at 4:05 pm.

**I. Approval of the minutes from the prior meeting**

The members deferred approval of the September 15, 2010 minutes to the next meeting.

**II. Report from Town representatives (Code Enforcement, Police, Fire, Town Administrator, other boards or commissions)**

Police Department: Deputy Chief Rene Kelley

Deputy Police Chief Rene Kelley reported there were a couple of incidents on Saturday of large crowds at residences that needed to be disbursed. He said one of the incidents was at Young Drive with approximately 1500-2000 people in attendance. Deputy Chief Kelley said the department called in outside officers to assist. He reported that once they had an adequate number of officers to assist, the crowd was disbursed within an hour. Deputy Chief Kelley said the crowds were blocking traffic on the road causing a safety hazard, disorderly conduct was occurring due to noise from a DJ and fireworks being set off and objects being thrown. He noted most of the crowd was cooperative and left the scene when asked to and that the owners of the property reported to the scene to address the residents of the properties after the crowds were cleared out. Deputy Chief Kelley said the rest of homecoming weekend was pretty uneventful. He said there were a lot of people from out of town in for the weekend.

Chair Flanders asked if a large gathering ordinance would have helped with the incident on Young Drive. Deputy Chief Kelley responded that he did not believe it would have helped in this situation.

Chair Flanders noted there had been a gathering in his neighborhood that became unruly with loud shouting and the use of profanity. He asked if there was anything that could be done about that type of incident. Deputy Chief Kelley responded that if the offending individual is identified and someone is willing to testify against them the individual can be charged with criminal misconduct.

Karen Mullaney asked if the police have a sense that alcohol is being sold at parties. Deputy Chief Kelley responded that it is very infrequent that they come across that situation.

#### Fire Department: Deputy Fire Chief Steve McCusker

Deputy Fire Chief Steve McCusker reported that a bon fire was held at Boulder Field on Friday evening. He said the event was coordinated and sponsored by a student organization (SCOPE) with approximately 2000 plus in attendance. Deputy Chief McCusker reported there were no incidents, no arrests and no one found to be disorderly.

He reported that Saturday the Fire Department responded to a lot of emergency medical aid calls and that most of those calls were not for students but for alumni back in town for Homecoming.

Ann Lawing reported that there were no major issues on campus with regard to Homecoming.

### **III. Comments from Commission Members**

Jay Gooze said he participated in a “drive along” with the police department and witnessed an incident on Coe Drive. He asked the members of the DLA if they had any suggestions for dealing with an area like Coe Drive, which consists of mostly renters and asked if any of the owners of the properties on Coe Drive belong to the DLA.

Mark Henderson said the Association has encouraged Coe Drive to create a Homeowners Association to assist in dealing with issues. He noted that if there is a particular property that has repeat offenses if the “Disorderly House” ordinance would be appropriate.

Ann Lawing said she visits Coe Drive every fall, knocks on every door and leaves information regarding town ordinances. She said she would be happy to do that again.

Jay Gooze asked if the town should consider being more active in enforcing ordinances in the area. Deputy Chief Kelley said the police have responded to the area four times this year – once at one property and three times at another property (10 Coe Drive).

Paul Berton asked Cathy Maranhao (Durham resident and property owner on Coe Drive) if she had any sense that the owners on Coe Drive would like to band together to share expenses and minimize costs. She responded that she has not heard anything but that she would be interested.

The members discussed the possibility of the RHC calling a meeting of the property owners on Coe Drive to discuss issues occurring in the area. It was decided Ted Mulligan, a Coe Drive property owner and member of the DLA, would be approached about organizing such a meeting.

Kitty Marple said the residents of the Edgewood/Madbury corridor are delighted that quiet has returned to their neighborhood.

Jay Gooze thanked Ann Lawing for her efforts in this area.

Paul Berton said he met with one of the larger landlords in Plymouth, NH recently regarding signs that are posted in that town. Mr. Berton said private residences have attractive signs on their front lawns saying that a family lives there and asking respect for their property and respect for the town. He said he was told the signs are not being destroyed or stolen and that they are having some positive results.

Karen Mullaney distributed photos from other “college towns” with signage being used in an attempt to address issues.

Chair Flanders noted that this issue would be discussed fully later in the agenda.

Mark Henderson said the DLA had received a complaint from a homeowner on Bagdad Road expressing frustration with some properties on the road that are occupied by renters. He asked if the “Disorderly House” ordinance would be appropriate in this instance. Deputy Chief Kelley said they had responded twice to the area this past weekend, for two different properties – and that the circumstances do not meet the criteria set out for a disorderly house. He noted that the department did speak with the residents who were cooperative and respectful.

#### IV. Public Comments

Chair Flanders asked for public comments. There was none.

#### V. Review, Adjustment, and Consent to the Agenda

The agenda was approved as written.

#### VI. Discussion of Initiatives Related to Rental Housing

##### a. Residential Quiet Zone awareness initiative

Chair Flanders reminded the members that this item was brought up at a previous meeting and that Andrew Freedman would be presenting some ideas.

Andrew Freedman said it was encouraging to hear that other towns are using this type of idea and that the signs are being respected. He asked for some guidance regarding the proper procedure to go about having the designs approved, locations chosen and the signs made up and installed. Mr. Freedman said he favored an official looking sign with words similar to: “entering residential area – noise ordinance strictly enforced”.

Todd Selig said the Public Works would be in charge of producing and installing the signs. He noted the wording for the signs should be a consensus of this commission and that feedback from the Police and Fire Departments would be valuable.

Richard Peyser suggested the use of the term “Entering a Family Neighborhood” to encourage more respect.

Chair Flanders suggested the use of an icon to get across the message of respect for families in the neighborhood. This suggestion was discussed, it was noted that it would take a lot of marketing to get the icon to be a recognized symbol.

Richard Peyser said he feels the students would react more to an authoritative sign warning of the noise ordinance and referring to a family neighborhood.

The members discussed different formats and venues available to spread information to students, noting that many of the students are commuters. Ann Lawing said all of her communications include the Commuters Office and tables are set up in the dining areas to reach commuting students.

The members discussed the issue of not being able to enforce the noise ordinance against groups of people walking down the street. The majority of the commission felt that the signs and the reference to the noise ordinance would still be useful in these situations.

Susan Roman said she likes the idea of an official sign. She said she saw this work in the past with on-street parking issues.

Todd Selig suggested finding some examples of signage and forwarding one chosen to the Town offices for them to discuss with the police, fire and public works offices. He suggested the Commission discuss areas they think would be appropriate for the signs. Chair Flanders asked if Town Council approval is needed. Todd Selig said Town Council approval is not necessary, but if they have concerns, they may certainly raise them.

It was decided that Andrew Freedman would email a suggested sign design to the Town Administrator and then Jay Gooze, Todd Selig, and Deputy Chief Kelley would review it and discuss appropriate locations for the sign.

b. Partnership strategies with UNH

Jay Gooze asked what percentages of students that are arrested off campus go through the disciplinary system at UNH. Mark Rubinstein (Vice President for Student & Academic Services) responded that all students who appear on the police reports that are forwarded to the University enter the internal university disciplinary process. Mr. Gooze said he feels the residents of Durham need to be made aware of this effort by the University. Ann Lawing suggested the “Friday Updates” as a means to disseminate this information. She offered to write a short item regarding this issue.

Jay Gooze discussed the possibility of conducting a survey to see what percentages of students are aware of pertinent ordinances in Durham. He said this would provide information about which messages are getting through to the students and which are not and hopefully which approaches work better than others. Mark Rubinstein said the results of such a survey would not be informative unless you had a baseline to compare it to (what percentage of year round Durham residents were aware of the same ordinances). Mr. Rubinstein also noted that the survey would not inform the members if those breaking the ordinances are doing so out of ignorance or are knowingly acting against the ordinances.

Chair Flanders said he feels an important question is how can the town/commission strengthen the relationship with UNH, develop a dialogue, and broaden the scope of communication. Mark Rubinstein commented that most of the exchanges he has observed between this commission and UNH have been of the problem/solution type. He suggested taking a step back and looking at long-term approaches.

Chair Flanders asked how that could be accomplished, since the forum of the Durham Rental Housing Commission usually focuses on problems. Ann Lawing suggested having a more informal, open meeting to discuss and brainstorm larger partnership ideas.

Todd Selig suggested scheduling a meeting to focus on the big picture. This lead to a discussion of what the members view as the big picture. Chair Flanders suggested meeting and identifying key points where change can make a difference.

Ann Lawing noted that the groups should work towards coming to consensus as a larger community – identify a core set of issues or opportunities that deal with improving the quality of life and educating the students about being good citizens. She suggested identifying a few doable action items that can be agreed upon, that would assist in meeting the ultimate goal of a good quality of life and good citizenship.

#### c. Strategies for working with realtors

Mark Henderson asked if the Town sent a letter to the realtors. Todd Selig responded that a letter was mailed to all realtors in the Strafford County Realtors association. He noted he has heard there has been discussion among the realtors about the ordinances in Durham so feels the message is getting out. Mr. Selig asked how often and what time/s of year the Commission members felt the letter to realtors should be sent out. The

members concluded that January would be a good time of year for the letter to be sent out to realtors.

d. Town/UNH Communication/Media – Publicity

This item was not discussed at this meeting.

e. Education on trash laws/pick up/recycling

Chair Flanders noted that many of the rental units do not have the information regarding the Town's schedule for recyclable and trash pick ups. Todd Selig said the calendar with the schedule is mailed to the address of record for a property – which is normally the owners address. He noted the information is also available on the Town's website.

f. Town's procedure for review of property transfers

Todd Selig explained that the Town learns of an exchange in property when the new deed comes through the Town offices. He said this process could trigger a "welcome to Durham letter" which could include ordinances and other pertinent information. Mark Henderson said this was discussed a couple of years ago and the point was made that after the property has been purchased it is too late for an owner to change his mind about the purchase if he then finds out ordinances in town are more restrictive than he thought. He noted the letter would at least make new owners aware of the regulations. Todd Selig suggested having the letter encompass more than just rental housing issues; such as suggesting signing up for "Friday Updates, important contact names and phone numbers, etc. He said the basic letter written by Kitty Marple could be modified to fulfill this need. Mark Henderson suggested that the Durham Landlord Association be mentioned as a resource for those who purchase properties as rental/investment properties. Susan Roman said some transactions are cash transactions without the use of realtors. She noted in those cases, the "welcome" letter would get the information to those people that did not get the information from their realtor.

VII. Discussion of "roaming students"/"large gatherings"

No discussion of this topic at this meeting.

VIII. Preliminary discussion of "Health and Safety" initiatives

Chair Flanders began a discussion of "health and safety" issues with regard to rental properties. He noted this is separate from other issues discussed and is concerned with ensuring a safe environment for tenants of Durham. He said the Town has an obligation to ensure the safety of tenant residents by ensuring minimum standards are met in rental units. Chair Flanders said some towns have a program in place to accomplish this, but Durham currently has no mechanism. He asked for feedback and thoughts regarding this issue.

Paul Berton said he feels the fire and code regulations deal with these issues. Chair Flanders asked if the code enforcement office could inspect a property at any time. Mr. Berton responded that the code enforcement office could inspect a property if they are responding to a complaint or request. Richard Peyser suggested having a system based on complaints. Andrew Freedman said he does not feel that sweeping inspections are appropriate. Kitty Marple suggested educating renters on what they should expect from a rental unit. Brett Gagnon said there is information regarding this in the Community Guide.

Chair Flanders asked Deputy Fire Chief Steve McCusker to speak to the life safety issues.

Deputy Fire Chief McCusker reported that new construction or substantial renovation projects undergo a permit process which triggers the inspection which consists of a series of code checks. He noted that there are no scheduled inspections for owner occupied homes or for rental properties that are not new construction or substantially renovated. Deputy Chief McCusker said the regulations are different for rental properties than owner occupied properties and if a tenant notes an issue or there is a fire or medical emergency the personnel can make note of any violations and request an inspection. He said some of the items of concern are smoke detectors, sprinklers and means of egress. Deputy Chief McCusker said there are also regulations for owner occupied residences as well.

Jay Gooze asked if insurance policies for rental units require an annual inspection. Paul Berton responded that they are required and the inspections are much more thorough when changing insurance companies. Mark Henderson noted that when filling out an insurance application there is a question asking if the unit is a rental unit, as well as a question asking if the unit will be rented to students.

Jay Gooze asked if there is an inspection triggered when a property changes hands or changes usage (from owner occupied to rental). Deputy Chief McCusker said there is no requirement to inspect the unit when it changes hands or changes usage.

The members discussed the fire safety requirements of an owner occupied single-family house versus a non-owner occupied dwelling. Deputy Chief McCusker said a smoke detector is required in every bedroom if it is a non-owner occupied dwelling only.

Kitty Marple asked if there are any insurance requirements that are different for rental units than owner occupied units. Deputy Chief McCusker said if a home is insured as a single family home and it is being used as a rental it can constitute insurance fraud.

The members discussed the fire safety standard for rental units regarding egress from rooms. It was noted that in a rental unit proper means of egress from every room in the building is needed and a basement is required to have a second means of egress.

## IX. New Business or Other Business as time permits

No additional items were discussed at this meeting.

X. Setting of the next meeting date:

The next meeting of the Durham Rental Housing Commission will be held on December 1, 2020 at 4 pm in Durham Town Council Chambers.

XI. Adjourn

The October 13, 2010 meeting of the Durham Rental Housing Commission adjourned at 5:55 pm.

Respectfully submitted by,

Sue Lucius, Secretary to the Durham Rental Housing Commission