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Durham Rental Housing Commission
Wednesday December 7, 2011
4:00 PM

Members Present: Kitty Marple, A.J. Coukos, Paul Berton, Brett Gagnon, Ann Lawing, Karen Mullaney

Members Not Present: Jessica Fruchtman

Also Present: Deputy Chief Rene Kelly, Police Chief David Kurz, Tom Richardson, Robin Mower, AnnMarie Harris, Tom Johnson, Deputy Fire Chief Steve McCusker, Janet Aviza, Jay Gooze, Sam Flanders, Rob Watson, Clynton Namo, Todd Selig, Cathy Maranhao, Maury Borovich

Chair Kitty Marple called the December 7, 2011 meeting of the Durham Rental Housing Commission to order at 4:08 pm

I. Approval of minutes from November 2 2011

Kitty Marple MOVED to approve the November 2, 2011 minutes as written. This was SECONDED by Paul Berton and APPROVED unanimously.

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

Code Enforcement

Tom Johnson reported that he has been busy with the new construction projects. He said there are 731 new beds spaces available as of July/August, this includes the Capstone project, 9/11 Madbury Road and the Grange building.

Mr. Johnson said 53/55 Mill Road is appealing an administrative decision stating it is a duplex, they are pleading that it is a three family home. He said this will be coming before the Planning Board as an appeal.

Mr. Johnson reported that 14 Mill Road appealed and was denied their request of an exemption to be zoned for 8 residents.

Mr. Johnson noted the fire that occurred on Edgewood Road and said that he met with the Town Administrator, and Fire Chief Landry who expressed a desire to move in a new direction with regard to fire code enforcement. He said a letter was sent to the property owners of 16 Edgewood Road. Mr. Johnson said the Fire Department has begun the

1 implementation of a new program with regard to inspections. Mr. Johnson said there are
2 221 single family homes with accessory apartments in Durham. He said this list was
3 given to Deputy Chief Cleary, along with a list of the 120 single family homes that are
4 student rentals that the Code Enforcement Office has not had occasion to enter and
5 inspect.

6
7 Paul Berton asked if there is any crossover between the 221 accessory apartments and the
8 120 single family rentals.

9
10 Mr. Johnson said there is some crossover. He said they provided the Fire Department
11 with a list of the 10 properties that they feel should be inspected first. Mr. Johnson said
12 16 Edgewood Road was in violation of zoning codes by having 4 occupants and also in
13 violation of fire codes. He said the property is now vacant. Mr. Johnson said the owner
14 is an out of state owner of this property only.

15
16 Mr. Johnson said the Town Council is in discussion regarding the Housing Standard
17 Ordinance.

18
19 He said due to the workload associated with the new construction; trash, parking, and
20 over occupancy enforcement has been sporadic. Mr. Johnson said early in the year
21 courtesy notices regarding trash violations were sent out and there was a positive
22 response to those. He noted the Code Enforcement Office will have a new part-time
23 employee assisting with the workload.

24
25 A.J. Coukos asked if there is an ordinance in place that deals with inspections.

26
27 Mr. Johnson responded that there are State Fire Code laws that the Fire Department can
28 use. He said the Fire Department began their inspections with a single family home with
29 an accessory apartment. Mr. Johnson said based on the Fire Department reports they will
30 send referrals to the appropriate departments.

31
32 Mr. Coukos said he was wondering if there is an ordinance on the books that is not being
33 enforced that would deal with this issue.

34
35 Chair Marple said one ordinance is the “3 unrelated” ordinance which is on the books but
36 hard to enforce.

37
38 Jay Gooze said the City of Manchester has an inspection system that they have had for
39 many years as part of their housing code that does inspections for health and safety.

40
41 Chair Marple noted that the Town of Durham does not have such a system, with the
42 exception of the Fire Department.

43
44 Mr. Coukos asked if Durham is looking to use the City of Manchester’s ordinance as an
45 example.

1 Mr. Gooze said they are looking to use parts of the Manchester ordinance as a basis for
2 Durham's ordinance.

3
4 Mr. Berton asked Mr. Johnson if there is a health/life safety issue in a property (mold,
5 sewer, smoke alarms etc.) if it is possible to get in to the property instantly.

6 Mr. Johnson said if his presence is requested by the landlord or a tenant noted on the
7 lease, he can get in to inspect the common space and the tenants' space that give him
8 permission.

9
10 Fire Department

11
12 Deputy Fire Chief Steve McCusker reported on the fire which occurred on Edgewood
13 Road. He said there was inadequate smoke and carbon dioxide detection in the home.
14 He said the Fire Department rarely has issues with larger occupancies because they have
15 fire systems and sometimes sprinkler systems, which are required to be inspected.

16
17 Deputy Chief McCusker said the Fire Department most likely have not been in most two
18 family homes that are non-owner occupied and single family homes that are non-owner
19 occupied. He said there are many single family homes with accessory apartments in
20 Durham and the issue with single family homes that have been modified to include an
21 apartment within it is that the Fire Department cannot tell from the outside that there is an
22 accessory apartment in the home. He said if the Fire Department is invited in they can
23 inspect the home. Deputy Chief McCusker said as a result of the fire at 16 Edgewood the
24 Chief has decided that the Fire Department will do a mailing to all Durham residents
25 saying if they have a property that is rented in anyway the Fire Department would like to
26 inspect the property to ensure codes are being followed (smoke detection, means of
27 egress, etc.) for safety purposes. He said the Fire Department will not be performing
28 inspections to check for "3-unrelated" or other building codes, but inspecting to make
29 sure the property is safe and habitable. Deputy Chief McCusker said a report will be
30 written and will have details about the property and if there were any violations noted, the
31 bedroom count, smoke detection being utilized, and egress. He said this information will
32 be shared, to make sure the town has a comprehensive approach. Deputy Chief
33 McCusker said the Fire Department inspected a home with an accessory apartment that
34 they had reported to previously for an issue with a smoke detector. He said they asked
35 the owner for permission to inspect the property, which they received and drew a floor
36 plan, checked the home and the accessory apartment. Deputy Chief McCusker said the
37 home had a good design, working smoke detectors, carbon dioxide detectors, and proper
38 egress. He said no violations were found and they filed a report and forwarded it to Tom
39 Johnson. Deputy Inspector McCusker said Chief Landry would like to compile a list of
40 properties the Fire Department has inspected with no issues and a list of properties
41 inspected with issues and then request to re-inspect the properties with issues to see that
42 they have been addressed.

43
44 Deputy Chief McCusker said the Fire Department will also have a poster campaign that
45 will alert the tenants of what is required by a property owner in a rental property. He said
46 the Fire Department will contact the property owners and share their findings with them.

1
2 Chair Marple asked Deputy Chief McCusker to explain the difference between inspection
3 of rental properties and inspection of homes.

4
5 Deputy Chief McCusker said State law that discusses fire safety refers to rentals; so if a
6 single family home that is rented or a portion is rented the laws apply to them.

7
8 Mr. Gooze said he feels the poster campaign is a great opportunity for university students
9 to be involved. He said hopefully the student representatives can help with ideas to reach
10 the students.

11
12 Mr. Berton said the education component on the student's side is important as a way to
13 get the word out. He said he goes through all his units three times a year (Thanksgiving,
14 after the last exam, and the night before spring break) he said at those times he sees a
15 certain percentage of smoke detectors disconnected.

16
17 Deputy Chief McCusker said that is a responsible approach. He said he believes the
18 Chief has a good plan and that people will buy into it.

19
20 Police Department

21
22 Deputy Chief Rene Kelly reported that the Police Department is entering its quiet time
23 and has scaled back its extra shift coverage. He said calls for services have increased
24 20% over last year and arrests are up slightly. Deputy Chief Kelly said that 60% of the
25 people arrested have been UNH students.

26
27 Robin Mower asked if the Police Department has seen a continuation in the pattern of
28 greater violence.

29
30 Deputy Chief Kelley said there have been a few assaults, including some this past
31 weekend, not an overwhelming number, but an increase.

32
33 Sam Flanders asked if the unusually warm weather has affected the statistics.

34
35 Deputy Chief Kelly said the weather has contributed to the increase and that the
36 Department has had to extend the extra patrol coverage later into the year. He noted the
37 Department also has a young aggressive staff that is being proactive. Deputy Chief Kelly
38 said that Ann Lawing has done a tremendous job of getting to the neighborhoods where
39 issues have been reported and helping.

40
41 Police Chief Kurz said they had a department meeting and discussed the opportunity for
42 more coordination between Town departments. He said Tom Johnson has a list of 221
43 homes with accessory apartments and he has a list of every rental property that the police
44 have responded to (produced on a quarterly basis). Chief Kurz said the list identifies
45 rental properties and shows if the property has improved or worsening behavior. He said
46 the data is distributed to the Town Manager and the DLA, but it may not have been

1 shared with the Fire Department and/or the Code Enforcement Office; but that will be
2 coordinated now. Fire Chief Kurz said that after seeing the success that the officers while
3 executing warrants on ATO noticed that there may be code offenses and coordinating
4 with the Code Enforcement Office, they feel it may be a good idea to have Code
5 Enforcement or Fire Officials available to be called in during calls the Police are on. He
6 said they are discussing the cost factor and how that would work, but they are aware there
7 are three different entities that could better coordinate.

8 9 Town Administration

10
11 Todd Selig said he was at Growing Places at their Woodside facility and saw a flyer
12 hanging at the Woodside Dorm which said “Enjoy Durham and be a Good Neighbor”
13 with a paragraph about what being a good neighbor is and another poster discussing the
14 laws and rules and consequences for making bad choices.

15
16 He asked if there had been any feedback on the “Welcome to the Neighborhood” signs.

17
18 Chair Marple said there were a couple of negative comments from one family on the
19 signs. She asked if any of the other members had heard any comments.

20
21 Mr. Gooze said he heard from a couple of people that they appreciate them and one
22 complaint from someone on Bagdad Road that noted the sign blocks the view of the
23 pond. He suggested the sign be moved.

24
25 Sam Flanders said he has heard no comments, but appreciates the signs.

26
27 Annmarie Harris said she thinks they are well placed in the Faculty Drive neighborhood
28 and appreciates them.

29
30 Mr. Selig said they will work on relocating the Bagdad/Emerson sign location.

31 32 III. Public Comments

33
34 Mr. Flanders said he would like to comment with regard to the “3 unrelated ordinance”.
35 He said there is a lot of new high density housing in Durham and the Town will be
36 getting a lot of money from it. Mr. Flanders said the new construction has been taking a
37 lot of capacity from the code enforcement office to ensure those structures are being built
38 properly and this is causing a gap that is not being filled. He said last year there had an
39 aggressive enforcement policy regarding parking and potential “3 unrelated” violations,
40 but this year there had been none until this week. Mr. Flanders said he is getting no
41 benefit from the high density housing unless current codes are enforced. He said his
42 comment to the Town Administration is that the money being brought in should be used
43 to enforce the current codes.

44
45 Mr. Selig said there are two issues involved; the first issue is the Town found itself in a
46 significant fiscal challenge in 2011 prompted by changes when State assistance was

1 removed and cost the town \$80,000 more than planned, which then caused a spending
2 freeze to be instituted across all departments. He said the Capstone monies have just
3 started to come in (last three months) and will assist the Town in moving into the next
4 year. Mr. Selig said the Town will use some of those funds specifically for the Capstone
5 inspections and also set aside some of the funds for the 2012 budget to deal with ramped
6 up enforcement. Mr. Selig said the second issue is the part-time person previously
7 employed by the Code Enforcement Office found full time employment elsewhere and
8 was not available to work part-time for the Town of Durham. He said the Town will
9 work on getting additional resources for the Code Enforcement Office. Mr. Selig said it
10 is the hope that if issues are found and code enforcement is called in it will show results.

11
12 Mr. Flanders said the “3 unrelated” was instituted to maintain a quality of life, but the
13 side benefit is that it builds a commercial rental base and increases the Town tax rate. He
14 said he hopes this can be brought to the Town Council for discussion.

15
16 Mr. Selig said the Town received a complaint from a resident that the town should do
17 more to prevent the new multi unit developments because it causes a weakening in the
18 market for rentals. He said this is a side benefit from the additional housing stock.

19
20 Ms. Harris said she would like to reiterate that the same issue, “3 unrelated” has been on
21 peoples’ minds for three years. She said they represent a larger group that would like the
22 “3 unrelated” ordinance enforced.

23
24 Karen Mullaney said it is about the big picture and trying to make it known that Durham
25 wants to maintain its quality of life.

26
27 Mr. Gooze said the Edgewood property will be for sale and it would be nice to have a
28 single family home that is owner occupied there.

29
30 Robin Mower said that 14 Valentine Hill will be up for Auction in December and the
31 neighbors are concerned about who will be purchasing the home and would like to
32 encourage the property to be owner occupied. She suggested it would be helpful to
33 encourage people to be present at the auction and make the Town’s ordinances known to
34 any perspective bidders.

35
36 Mr. Berton agreed, saying a statement on the rules and regulations of the Town by the
37 auctioneer or the realtor involved would be helpful.

38
39 Ms. Mower said the Town Council is working on a letter that they will bring to Rental
40 Housing Commission asking the Commission to send to the realtor community that
41 emphasizes that the Town is focusing on attempts to maintain single family
42 neighborhoods.

43
44 Mr. Gooze suggested having the neighbors on either side of the property erect signs
45 explaining the “3 unrelated” rule, the disorderly house ordinance, and the noise
46 ordinance, etc.

1
2 Ms. Mower suggested that the Durham Rental Housing Commission could assist with
3 this project.

4
5 Mr. Berton asked if there has been a discussion on incentives to help encourage the
6 family, owner-occupied scenario that is desired.

7
8 Mr. Richardson suggested that the Town consider a Homestead Law for specific sections
9 in town as a means to encourage owner occupied family homes.

10
11 Mr. Flanders said it would be worth looking in to the enabling legislation.

12
13 Mr. Gooze thanked Ann Lawing for her efforts in the neighborhoods. He said she has
14 been very responsive on a number of properties and her visits seem to help.

15
16 Mr. Berton said he can ask the Durham Landlord Association to make signs for the
17 Auction.

18
19 Ms. Mullaney said there are typically very few people at these auctions. She said she
20 believes the signage at the sight would be helpful.

21
22 IV. Housing inspection, fire department challenge – discussed earlier under the
23 report from the Fire Department.

24
25 V. Review of original RHC agreement for possible revision – not discussed at
26 this meeting.

27
28 VI. Set next meeting: January 25th

29
30 VII. Adjourn –

31
32 The December 7, 2011 meeting of the Durham Rental Housing Commission adjourned at
33 5:24 pm.

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35 Respectfully submitted by,

36
37
38 Susan Lucius, Secretary to the Durham Rental Housing Commission
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