



# Minimum Housing Code

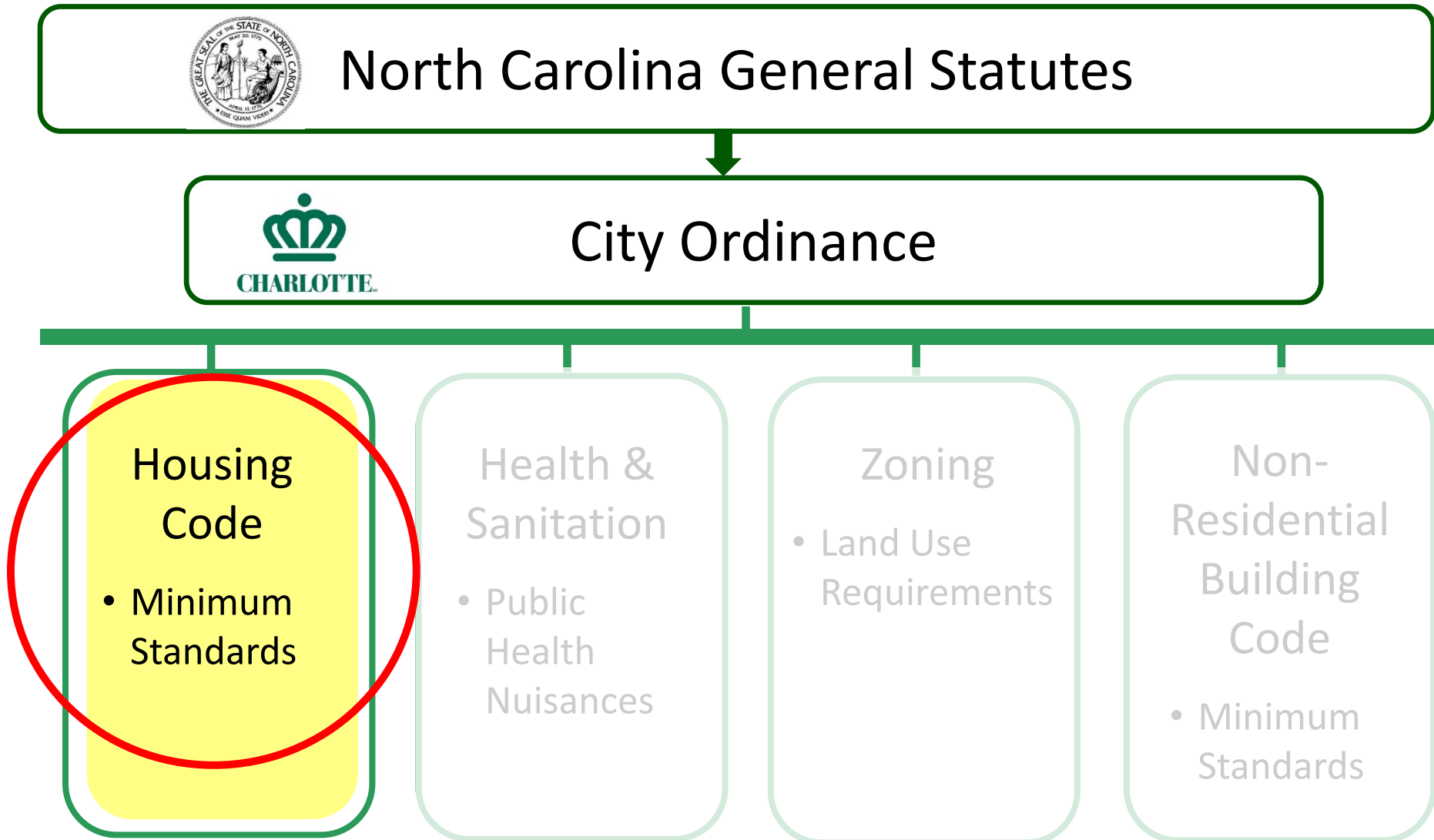
September 23, 2019

# MINIMUM HOUSING CODE REVIEW

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- The Minimum Housing Code regulations (Chapter 11) were last revised in 2008
- In March 2019, the Neighborhood Development Committee was charged with reviewing the Minimum Housing Code to:
  - IDENTIFY UPDATES NEEDED TO STRENGTHEN CITY'S ABILITY TO ENSURE MINIMUM HOUSING CONDITIONS
  - REVISE POTENTIAL CONFLICTING LANGUAGE
  - ADDRESS ENFORCEMENT ISSUES TO ENSURE ALIGNMENT WITH FEDERAL LEGISLATION AND BEST PRACTICES
  - IDENTIFY POTENTIAL STATE LEGISLATION MODIFICATIONS OR ADDITIONS
- Recommended changes help strengthen the city's ability to address livable conditions:
  - ENHANCE CIVIL PENALTIES
  - INTRODUCES 22 STANDARDS OF FITNESS REGULATIONS THAT STRENGTHEN AND PROVIDE CLARITY

# STATUTORY AUTHORITY



# WHAT IS THE HOUSING CODE

## The Housing Code:

REGULATORY

PRESCRIPTIVE

APPLIES TO STRUCTURES

PROVIDES STANDARDS

PREVENTS DECAY AND DETERIORATION

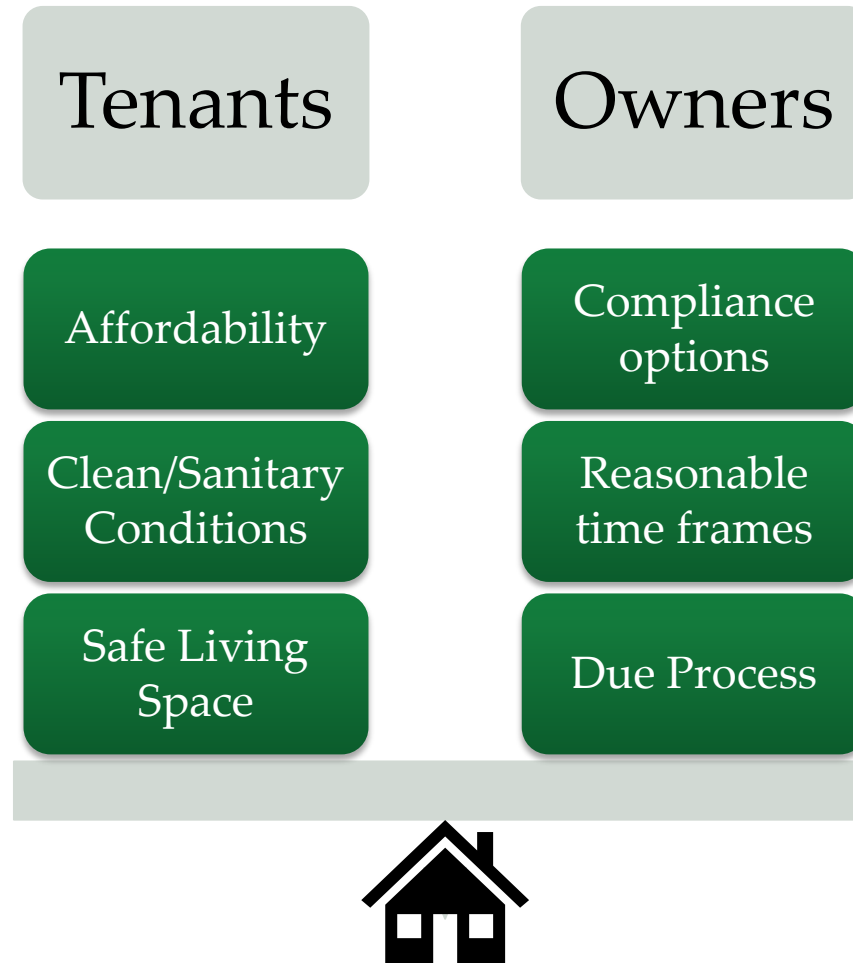
ELIMINATES BLIGHT



## **Code Enforcement has four primary functions:**

1. PROMOTE, PROTECT AND PRESERVE THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PEOPLE
2. ENSURE MINIMUM STANDARDS OF FITNESS FOR DWELLINGS
3. ENSURE MINIMUM STANDARDS OF FITNESS FOR COMMERCIAL STRUCTURES
4. ENSURE LAND IS USED IN ACCORDANCE WITH ZONING REGULATIONS

# BALANCE BETWEEN OWNERS AND TENANTS NEEDS



# ANATOMY OF AN INSPECTION

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- Receive complaint/inspection request
- Meet with complainant
- Conduct inspection
  - INTERIOR INSPECTION (ALL ROOMS AND ATTICS)
  - EXTERIOR (ROOF, CRAWLSPACE)
- Make referral to community resources
- Discuss next steps
- Identify ownership, property manager, landlord
- Contact owner if 48-hour violations identified
- Generate report
- Mail report to owner, property manager, tenant

# 48 HOUR VIOLATIONS

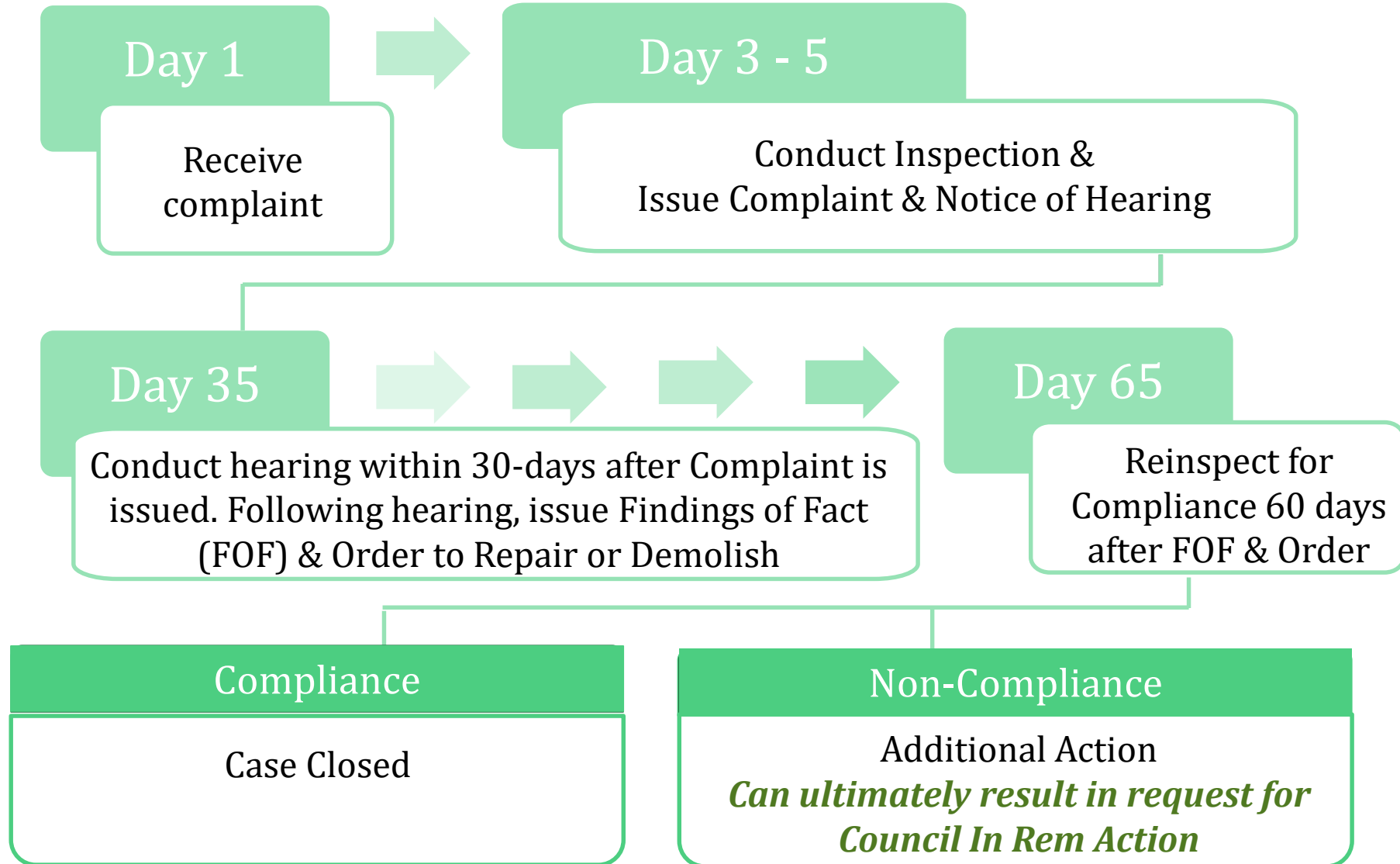
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- 48 hour violations

- Rotted, fire damaged, or insect damaged steps, flooring, or structural supports
- Fire hazard in a chimney that is in use
- Unsafe wiring
- Unsafe ceiling or roof
- No potable water supply
- No operable heating equipment (November – March)
- No operable sanitary facilities
- Any window or door providing access to any dwelling unit or rooming unit lacking an operable lock or the owner failing to provide a change of locks or keys to a new tenant of such dwelling unit or rooming unit
- No safe, continuous, and unobstructed exit from the interior of the building to the exterior at street or grade level
- No access provided to all rooms within a dwelling unit without passing through a public space
- No operable smoke detector or alarm
- Every place of habitation shall comply with the current county health regulations governing carbon monoxide alarms
- Severe rat infestation where the place of habitation is not impervious to pests



# HOUSING CODE PROCESS



## QUESTIONS RAISED

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- What additional tools are available?
  - In rem repair
  - Authority to vacate and close
  - Lien foreclosure
- How are we currently relocating tenants?
  - City currently funds Community Link to assist tenants/owners
  - City cannot bill an owner for relocation expenses



# COMMITTEE ACTION

# RECAP OF COMMITTEE DISCUSSION

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- March 20, 2019 – introduced topic to committee
- April 17, 2019 – overview of the Housing Code
- May 15, 2019 – reviewed code process, common violations, considerations for changes, best practice research and the community engagement plan
- June 19, 2019 – reviewed community feedback and staff recommendations
- July 17, 2019 – cancelled
- September 18, 2019 – reviewed additional community feedback and proposed revisions

# HIGHLIGHTS OF REVIEWING THE CODE

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- Reviewed current ordinance to enhance standards of fitness and enforcement process
  - PEER CITY REVIEW
  - COMMUNITY INPUT, INCLUDING INDUSTRY AND ADVOCACY GROUPS
  - LEGAL CONSIDERATIONS
- Considerations for ordinance modifications
  - REVISE POTENTIAL CONFLICTING LANGUAGE
  - UPDATE FINE STRUCTURE
  - STRENGTHEN STANDARDS OF FITNESS

# LISTENING TO THE COMMUNITY

## Community Meetings

### **Six meetings / 86 participants**

- Held in each quadrant of city, Ballantyne, and center-city

## Industry / Advocate Meetings

### **Four meetings / 13 participants**

- Greater Charlotte Apartment Association (GCAA)
- Real Estate & Building Industry Coalition (REBIC)
- Equitable Communities CLT

## Survey

### **Online and in-person survey / 128 responses**

# COMMUNITY ENGAGEMENT SNAPSHOT

## Total Survey Responses\*: 128



\* 97 total surveys completed, both in-person at public meetings and online.

## Familiarity with City's Minimum Housing Code

**Very Familiar: 18**

**Somewhat Familiar: 51**

**Limited to No Familiarity: 56**

## Have you ever participated in the Code Enforcement Process?

**Yes: 30**

**No: 95**

## Civil Penalties

- Overall, civil penalties are too high
- Higher civil penalties will adversely impact affordable housing
- Harsher penalties are needed for repeat/chronic offenders
- Absentee landlords and slumlords are not addressed





# COMMUNITY ENGAGEMENT - THEMES

## Process

- Should only enforce life-safety issues
- Process takes too long
- Provide additional time for compliance
- In Rem Repair should be used more frequently
- Support Multifamily Inspection Program
- Require landlord contact prior to Code inspection
- Environmental Court process; use Superior Court



## **Tenants**

- Pre-occupancy inspections recommended; Provide tenants with pre-move in minimum standards checklist
- Provide tenants with tenant's rights, minimum standards and enforcement process (post at rental properties; send to tenants)
- Require tenant to provide evidence that landlord was made aware of issue
- Tenants required to provide access for repairs

## **Mold**

- Mold should be addressed; County should have a role in this

## **Air Conditioning (A/C)**

- Support air conditioning
- Add inoperable air conditioning to 48-hour remedy during summer months
- Add language that requires A/C for populations vulnerable to respiratory health issues
- Concern about enforcement of older properties and air units

## **Other**

- Roach infestation in one unit should require treatment of entire building(s)



# PROPOSED ORDINANCE REVISIONS

# ORDINANCE REVISIONS – CIVIL PENALTIES

Ordinance Section	Current	Committee Recommendation
<b>Section 11-45(b) Civil Penalties</b>	<ul style="list-style-type: none"><li>• \$100 first day / \$10 each additional day (begins the day after non-compliance)</li></ul>	<ul style="list-style-type: none"><li>• \$100 per day (begins the day after non-compliance)</li></ul>

**PENALTY**

# ORDINANCE REVISIONS – STANDARDS OF FITNESS

Ordinance Section	Summary of Recommendations
Sec. 11-77. Space and Use	<ul style="list-style-type: none"><li>Addresses condition of all interior <b>doors</b> and door hardware</li></ul>
Sec. 11-78. Light and Ventilation	<ul style="list-style-type: none"><li>Clarifies that <b>windows</b> must be glass only; adds new provision for <b>kitchen exhausts and clothes dryer vents</b></li></ul>
Sec. 11-80. Plumbing	<ul style="list-style-type: none"><li>Requires an adequate and safe <b>water heater</b>; requires <b>kitchen / bath fixtures</b> be operational and sealed to eliminate water intrusion</li></ul>
Sec. 11-81. Heating Facilities	<ul style="list-style-type: none"><li>Clarifies that portable heaters of any kind may be considered <i>supplemental <b>heat source</b></i> only</li></ul>
Sec. 11-83. Structural	<ul style="list-style-type: none"><li>Provides clarity and improves enforcement of various structural features (<b>foundations, interior walls, ceilings, roofs, porches</b>)</li></ul>
Sec. 11-84. Property Maintenance	<ul style="list-style-type: none"><li>Improves enforcement as it relates to <b>cabinetry and clothes dryers</b></li></ul>
<b>New Provision</b> - Air Conditioning	<ul style="list-style-type: none"><li>New provision to require <b>existing cooling system</b> to be operational and maintained</li></ul>



# PROCESS ENHANCEMENTS

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Type	Current Process	Process Enhancement
<b>Multifamily Enhanced Rental Inspections</b>	<ul style="list-style-type: none"><li>Discretionary</li></ul>	<ul style="list-style-type: none"><li>Based on certain criteria, a comprehensive assessment of the multifamily complex will be initiated</li></ul>
<b>Provide Tenants Rights information</b>	<ul style="list-style-type: none"><li>Community Relations (CR) collaboration with Legal Aid of North Carolina on “When You Rent” tenants rights publication</li><li>CR provides training</li></ul>	<ul style="list-style-type: none"><li>Continue CR training and collaboration with Legal Aid of North Carolina</li><li>Update Code Enforcement website to include link to CR’s “When You Rent” tenants rights publication</li></ul>



# PROCESS ENHANCEMENTS (CONT.)

MOLD	
Current Process	Process Enhancement
<b>Continue</b> enforcement of causal factors that produce mold (water intrusion, lack of ventilation, etc.)	<b>Help educate, inform and connect residents through:</b> <ol style="list-style-type: none"><li>Adding information to Code Enforcement website:<ul style="list-style-type: none"><li>Explanation of City's role in addressing mold (causal factors)</li><li>Include links to:<ul style="list-style-type: none"><li>When You Rent tenants rights publication</li><li>External resources such as EPA.gov/mold<ul style="list-style-type: none"><li>Site provides comprehensive mold information, including FAQs, health impacts of mold, mold clean-up information, interactive tools, and more.</li></ul></li></ul></li></ul></li><li>Upon receipt of complaint, leverage Code staff to educate residents about City's role in mold enforcement, as well as making referrals to tenants rights information, Health Department, EPA.gov, etc.</li></ol>

# PROPOSED TRANSITION PLAN

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- October – December, 2019  
EXTERNAL - EDUCATION AND COMMUNICATION PLAN  
INTERNAL - UPDATE POLICY AND PROCEDURES; STAFF  
TRAINING
- January 1, 2020 - New provisions become effective

## NEXT STEPS

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- Notice of public hearing
- Hold public hearing
- City Council vote

THANK YOU FOR YOUR TIME