

**Minutes of Meeting
Code Enforcement Advisory Committee
City Hall Annex, 520 Main Street
February 23, 2023**

CALL TO ORDER

Matt Wright called the meeting to order at 6:01 P.M.

ATTENDANCE

Committee: Councilmember Rob Powell, Dennis Hull, Steve Hackett, Dawn Thomas, Wanda Thompson, Rosemary Howard, Keith Richardson, Robert Miller, and Kerry White

Absent: None

Staff: Matt Wright, Planning and Building Director; Madison Smith, Development Technician; Demetrius Ramirez, Chief Building Official; and Carol Lee, Code Enforcement Secretary

DISCUSSION ITEMS

- A.** Review and approval of Minutes from the November 10, 2022, Code Enforcement Advisory Committee Meeting

Rosemary Howard made a motion to approve the minutes from the November 10, 2022, Code Enforcement Advisory Committee Meeting. The motion was seconded by Robert Miller. All members present voted in favor and the motion carried.

- B.** Review of proposed Rental Inspection Program. After review and discussion, the Committee may make a motion and vote on a recommendation to the Planning Commission and City Council on the proposed program. (Please note that while this meeting is open to the public, the Committee will not hold a public hearing or take any public comments. Opportunity for public comment will be held at a future Planning Commission meeting and will be noticed in advance).

Included in the agenda packet was a staff memo that provided a summary of the proposed Rental Inspection Program. Mr. Wright provided a summary of the memo, which included a summary of the community survey responses, and the main concerns that were shared at the community meeting held on January 19, 2023. Based on community feedback, several revisions were made to the original proposed Rental Inspection Program that was posted in December 2022 which was built off of the proposed program from 2019. Staff believes that these revisions address the most significant concerns expressed by both landlords and tenants.

There was a lot of discussion amongst the Committee members regarding the proposed program. The following is a summary of the questions and concerns that were shared:

- How staff will know that properties are vacant in order to complete an inspection
- How to properly check the utilities during vacancy and disconnections
- Properties not being safe, but not having vacancies for staff to be able to inspect
- Adding a stipulation that would require a property to be inspected every 3 years even if it does not have a vacancy

- Reducing the inspection requirements on new construction units from 5 years of age to 3 years of age
- Adding a structural check to the list of inspected items
- Ensuring all landlords have a Business License
- Creating incentives to keep properties up, or adding consequences for failed inspections
- How the inspection process would work for government housing (ie: Section 8, HUD, etc.)
- Adding mold back to the inspection list
- The hiring of an additional inspector
- Landlord refusal of inspections
- Adding resources and providing information to low-income residents to aid in landlord vs. tenant disputes

Staff explained that during the licensing process, the landlord will be required to notify staff of vacancies. Staff will also monitor the utility changes, such as water and electricity service changes. Typically when a tenant moves out, the landlord wants to get a new tenant in there as quickly as possible so usually the utilities just change hands and do not actually get disconnected, but if a landlord does disconnect utilities during vacancy, they will be required to turn those back in prior to the inspection. If the utilities are not on during an inspection, it will result in a failed inspection, and a re-inspection will be required within 14 days. Staff does agree that long term tenants can create issues since staff would be unable to get in to do an inspection, however, if there are identifiable items located on the exterior of the property, then those items could be addressed through the Property Maintenance/Code Enforcement process. Staff is always willing to do an inspection, but they make it very clear to the person calling that if life safety or unsanitary conditions are found, then that person would have to temporarily leave until the problems are rectified. Staff is also willing to assist by providing information on available resources.

Kerry White expressed interest in adding a stipulation to the program that would require properties to be inspected every 3 years, even if there was not a change in tenants or a vacancy. Staff did explain that it would require some additional tracking in order to maintain proper inspections, but that it is an option that can be explored. The primary reason occupied inspections were removed from the original proposal was due to numerous privacy concerns that were expressed.

Staff explained that if they were to come across something that questioned the structural integrity of a structure, it would be written down and brought up to the landlord or property manager. Structural issues would fall under the “Dangerous Structures” category of the Code, and that there is a standard process to notify and rectify those types of situations.

There is no way of knowing for certain if all landlords with properties in Belton have a business license, but staff does proactively check. If it is found that someone is not in compliance with the licensing requirement, then they would be notified and proper steps would take place to get them in to compliance.

There would not be an incentive to pass inspection every time and never have any issues. The incentive would fall more under a cost perspective. There is a minimal fee up front for the first inspection, but then additional fees would be assessed for any re-inspection(s) that are needed. Those fees would have to be paid in full before any inspection takes place. If a unit fails inspection, the landlord or property manager would be required to fix the issues and pass re-inspection before they could have a new tenant move in.

Staff is still working out details on how to address inspections for state/federal housing but does believe that as long as a valid inspection report identifying that the same items were checked as what is required on the City's checklist, then the inspection would be approved and an additional inspection would not be required. Staff would have to ensure that the inspection report is current.

City inspectors are not certified mold experts and cannot identify mold, and do not have the means to sample or test mold which is why that item was removed. If mold is found in a unit, the tenant is encouraged to notify their landlord or property manager. There are also ways to clean mold by using chemicals and cleaning agents that can be purchased at any local home improvement store. Additionally, the inspectors are not trained exterminators, and they are not trained/certified professionals in those areas to be able to make calls on those items. The items that are listed on the inspection checklist are specifically related to building code issues. Mold and rodent infestation would not fall under the building code.

City staff's goal, if the program is approved, is to get it off the ground and see how it progresses throughout the first few months. Staff would like to use the resources we currently have. Hiring an additional inspector is not necessary at this time, but is something that would consistently be evaluated.

In previous experience, there is not much pushback from landlords refusing inspections. However, when a landlord signs and receives a landlord business license, they are agreeing to comply with all of the provisions. Refusal of inspections would create compliance issues, and could lead to revocation of their license, as well as municipal fines.

The Code Enforcement Advisory Committee is tasked with reviewing the program and providing any recommendations or feedback to staff to take to the Planning Commission and City Council.

Steve Hackett proposed that staff add a mandatory inspection on units every 5 years regardless of whether or not there is a change of tenant. The Committee would also like to propose that new construction units be inspected after 3 years instead of 5 years as originally proposed. Committee members were in agreement of these requested changes.

Wanda Thompson made a motion to approve the proposed Rental Inspection Program with the amendments discussed tonight and listed above. The motion was seconded by Dennis Hull.

When a vote was taken, the following was recorded:

Ayes: 8 – Kerry White, Wanda Thompson, Dennis Hull, Rosemary Howard, Steve Hackett, Dawn Thomas, Robert Miller, and Keith Richardson.

Noes: 0

Absent: 0

*Noted for the record: Councilmember Powell is a non-voting member of the Code Enforcement Advisory Committee.

The proposed program with the amendments made will go to the Planning Commission for a public hearing on March 21, 2023.

NEXT MEETING DATE: To Be Determined

- The next meeting date has not been determined yet. There will most likely be a meeting in May once staff has had the chance to move forward with the proposed Rental

Inspection program. Going forward, meetings will be held on an “as needed” basis on Thursdays at 6 P.M.

ADJOURNMENT

Matt Wright adjourned the meeting at 7:13 P.M.