

COMMUNITY INVOLVEMENT COMMITTEE MEETING

November 15, 2023

12:00 p.m.

Councilman Denny Whayne Conference Room (Bush Building, 4th floor)
840 Boonville Avenue

MEMBERS

PRESENT: Heather Hardinger, Chair; Derek Lee; and Callie Carroll.

MEMBERS

ABSENT: Craig Hosmer.

COUNCIL

PRESENT: None.

STAFF

PRESENT: Jason Gage, City Manager; Collin Quigley, Deputy City Manager; Maurice S. Jones, Deputy City Manager; Rhonda Lewsader, City Attorney; Brock Rowe, Director of Building Development Services; Duke McDonald, Assistant City Attorney; and Anita Cotter, City Clerk.

GUESTS: None.

Councilwoman Heather Hardinger, Chair, called the meeting to order at approximately 12:04 p.m., and roll call was conducted. Present: Callie Carroll, Derek Lee, and Heather Hardinger. Absent: Craig Hosmer.

Councilman Lee moved to approve the minutes of the September 28, 2023, and the October 18, 2023, meetings as presented. Councilwoman Carroll seconded the motion, and it was approved by the following vote: Ayes: Carroll, Lee, and Hardinger. Nays: None. Absent: Hosmer. Abstain: None.

Councilwoman Hardinger welcomed everyone to the meeting. She introduced Brock Rowe, Director of Building Development Services (BDS), as the presenter for the continued discussion of Resolution 10722 (Nuisance Property).

Mr. Rowe explained the charge listed in Resolution 10722 required staff to provide the aggregate data for the city and each City Council Zone for blighted and dangerous buildings from January 1, 2023, through June 30, 2023. He noted the 275-day process used for blighted and dangerous buildings may differ from the data presented based on the different milestones that could happen to a property within a six-month time frame.

Councilwoman Hardinger asked if the aggregate data would reflect buildings which have received repair but were still going through the blighted building process. Mr. Rowe responded a

building would undergo the blighted building process until the property was abated, either through demolition or repair, and would be factored into the data.

Mr. Rowe reviewed Chapter 26, Article III, Section 62, of the City Code, which listed the 13 possible conditions which constitute a dangerous, blighted, and nuisance building. He noted Chapter 26, Article III, Section 62 (12), which referred to buildings in violation of the building, plumbing, electrical, fuel gas, property maintenance, or zoning codes, had the highest aggregate number of building code violations in the city. He further noted City Council Zone One and City Council Zone Two had the highest percentage of Chapter 26, Article III, Section 62 (12), Code violations.

Mr. Rowe noted blighted and dangerous building cases take a median length of 123 days from the start of the case until the closing of the case, meaning the property owner abated the property prior to BDS conducting a hearing. He discussed the aggregate number of blighted building cases based on owner occupancy, renter occupancy, and unknown occupancy status of the property. He further noted City Council Zone One had the highest number of homes not occupied by the owner.

Mr. Rowe reviewed the aggregate number of vacancy notices based on properties reported having no water usage. He explained there were 33 properties overall with no water usage documented in the city, 24 of those properties being in City Council Zone One. He noted the United States Postal Service reported 48 properties were assumed vacant due to the absence of mail delivery. He further noted City Council Zone One had the highest number of vacant properties, and City Council Zone Three had the lowest.

Councilman Lee asked the purpose of including the aggregate data for each of the City Council Zones. Mr. Rowe responded the charge in Resolution 10722 required staff to include the aggregate data for each City Council Zone.

Mr. Rowe reviewed the aggregate number of notices ranked by single-family, multi-family, and commercial structure types. He noted 94 blighted building issues were in residential single-family homes, and 53 of those blighted building properties were in City Council Zone One. He noted the top 20 property owners, including PM CARE, LC; TC Portfolio, LLC; and JDP Partners, LLC, were cited the most in the past five years. He provided an overview of the distribution of all properties owned by the top 20 property owners based on the City Council Zone. He noted the number of cases brought against each of the property owners based on the City Council Zone, such as PM Care, LC, which had properties located in City Council Zone One. He further noted City Council Zone One had the highest number of property owners who were cited the most in the past five years, and City Council Zone Four had the lowest number of property owners who were cited the most in the past five years.

Mr. Gage discussed the data regarding the top 20 property owners in the city and the number of properties each owner had in each City Council Zone. He asked if the number of citations suggested the top property owners managed the properties in City Council Zone Two and City Council Zone Three better than the properties located in City Council Zone One. Mr. Rowe responded the number of citations listed for the top 20 property owners suggested the properties in City Council Zone Two and City Council Zone Three were managed better than the properties

located in City Council Zone One. He noted the data also showed the number of properties owned by the property owner, but not the number of properties which were in violation.

Mr. Rowe reviewed the top 20 property locations which were cited the most in the past five years and the number of cases for each property. He noted each location had four to eight citations issued over a five-year period, which included properties which were demolished by the City.

Mr. Gage asked if properties with multiple citations were cited for the same violation. Mr. Rowe responded the number of citations listed would have been for different issues on the same property. He explained a property owner would correct one issue, but another issue would occur to cause another citation to be issued.

Councilwoman Hardinger noted there were owners who had created additional damage to a property due to the use of cheap materials and poor workmanship to correct an issue. Mr. Rowe explained financial issues could be a contributing factor for most property owners who had used alternative methods to correct property issues to avoid having their property demolished.

Mr. Gage noted the difficulty of defining chronic nuisance property when a citation is issued for different issues. He explained a property owner could receive a citation, fix the issue which caused the violation, and then receive another citation for a different violation a month later.

Councilwoman Hardinger asked if there was an approach the City could use to help mitigate homes that may have structural or electrical issues before the home reaches the point of demolition. Mr. Rowe responded by using proactive measures, such as encouraging people in the neighborhood to speak with the property owner or by providing additional resources, would be a helpful approach to mitigating nuisance issues.

Mr. Gage discussed whether it was a right or a privilege for a person to be a landlord. He explained if being a landlord were considered a right, the City would be limited when applying enforcement methods to landlords with multiple properties. He noted if being a landlord were considered a privilege, the City could use enforcement methods such as licensing and registration requirements.

Councilwoman Hardinger expressed her opinion a person should have the right to live in a safe and clean home. She noted failure to protect people from issues such as termites, poor plumbing, and structural issues infringed on that person's rights. She further noted the City had limited abilities to protect individuals from predatory landlords.

Mr. Rowe reviewed the aggregate number of opened and closed abatement cases. He explained a release document allows a case to progress to the next stage of the abatement process. He noted 229 release documents had been completed by the BDS Department over the last month. He noted cases which had been released to collections, closed by the owner, or had closed due to a change in ownership of the property were included in the aggregate number of abatement cases.

Mr. Gage asked if the number of opened and closed abatement cases reflected a certain point in time. Mr. Rowe responded the aggregate number of abatements reflected a period of six months and included data for properties which had ongoing abatement issues.

Mr. Rowe discussed the aggregate number of abatement cases that were completed using the hearing process. He noted the charge in Resolution 10722 requested staff provide the number of properties that were condemned in the city. He further noted BDS does not have a definition for condemned buildings because of the hearing process used to address the issue with the property owner prior to a building becoming condemned. He explained during the hearing process, a hearing officer would issue a finding of fact judgement, ordering the property owner to either correct the issue or demolish the property. He further noted the property owner would have a certain number of days to appeal the finding of fact decision or correct the issue with the property before the City would intervene by fulfilling the order given by the hearing officer. He noted City Council Zone One had the most abatement cases to receive a judgment through the hearing process, and City Council Zone Three had the least number of cases.

Mr. Rowe reviewed the number of abatement orders which were discontinued, monitored, or delayed due to changes in property ownership and property owners who had demonstrated substantial progress in correcting the nuisance issue. He explained if a property owner needed additional time to abate the property or the property owner experienced an unforeseen issue, such as illness, the property would then be placed into a monitoring status.

Mr. Gage noted the dangerous, blighted, and nuisance building codes listed in Chapter 26, Article III, Section 26-62, could result in the demolition of a building. He discussed Section 12, which referred to properties built in violation of the building, plumbing, electrical, fuel gas, property maintenance or zoning codes of the City. He noted this section could be interpreted as a home would be demolished for a minor violation relating to Chapter 26, Article III, Section 26-62. He suggested reevaluating certain factors under the Code section would help differentiate between the enforcement methods used for dangerous structures and the enforcement methods used for Zoning Code violations.

Mr. Rowe discussed adopting certain chapters of the International Building Code and the International Property Maintenance Code could allow for the elimination of Chapter 26, Article III, Section 26-62 (12), of the City Code. Mr. Gage explained certain chapters of the Family Building Code would provide the City with alternative methods of enforcement, which could be modified to fit the City Code.

Councilman Lee asked about the City's current enforcement method. Duke McDonald, Assistant City Attorney, responded the hearing process was used as the primary enforcement mechanism. He explained if the property owner receives an order from the hearing officer and does not appeal the decision with the Circuit Court, the City could demolish the property. Mr. Rowe noted the City would not demolish a person's property for minor violations. Mr. Gage noted there were other enforcement methods and legal approaches that would be used prior to demolishing a property.

Councilwoman Hardinger noted demolishing a person's home would be a last resort because it would not be in the best interest of the City. She suggested the Committee explore modifying the City Code to better address the different factors which could affect the City's current

enforcement methods. Mr. Rowe expressed his opinion finding different implementation strategies would be helpful when addressing nuisance property issues.

Councilwoman Hardinger discussed a recent visit to the Vacant Lot Leadership Institute. She noted there were communities, similar in size to Springfield, which did not have programs in place to address nuisance properties. She explained the group, which consisted of representatives from nine different municipalities, discussed ways to approach nuisance properties and the effect it had on the communities. She noted some solutions other municipalities have found, such as using polycarbonate as an alternative boarding method, could be incorporated into the Committee's recommendation to City Council.

Mr. Rowe noted during the visit, representatives from Detroit, Michigan, and Flint, Michigan, discussed the negative impact demolishing structures had on the city, such as loss of gas stations and convenience stores. He further noted the Vacant Lot Leadership Institute visit provided insight into ways to keep maintenance cost to the City low once a building had been demolished. He noted communities used incentives, such as a voucher program, to encourage people to help their neighbors. Councilwoman Hardinger noted additional information regarding the Flint, Michigan, programs would be available on the Flint, Michigan, Center for Community Progress webpage.

Mr. Gage asked what the cost to use polycarbonate would be. Mr. Rowe responded the polycarbonate would be more expensive than plywood. He noted polycarbonate would not need to be used on all windows, which would help keep cost low, but could be used on lower-level windows and street-facing windows. He further noted the polycarbonate would be clear so police officers and emergency medical technicians would be able to see into a property.

Councilwoman Hardinger noted the City had more opportunities than other municipalities, such as land banking, which could be used for community involvement. She noted the goal was to have BDS and the City be the last point of contact for abatement issues. Mr. Rowe noted Muncie, Indiana, used strategic code enforcement by documenting the buildings in the community and recording the condition of each property.

Mr. Gage asked if the other municipalities from the Vacant Lot Leadership Institute utilized a renter inspection program. Councilwoman Hardinger responded affirmatively. She noted the other municipalities had renter inspection programs which were an essential part of their building development program. She expressed her opinion the renter inspection program helps renters to mitigate issues within a property before it escalates to a nuisance property.

Councilwoman Hardinger noted there were ideas presented during the Vacant Lot Leadership Institute visit which could be incorporated into the Committee's report for City Council. She asked Mr. Rowe to provide a list of items which would help improve the process used by BDS for the Committee to review during the next meeting. Mr. Rowe replied he would create a presentation for the Committee. Mr. Gage noted staff would continue researching information regarding different communities to provide to the Committee members.

There being no further business to come before the Committee, Councilwoman Carroll moved to adjourn. Councilman Lee seconded the motion, and it was approved by the following vote: Ayes: Lee, Carroll, and Hardinger. Nays: None. Absent: Hosmer. Abstain: None.

The meeting was adjourned at approximately 1:10 p.m.

Prepared by Lauren Fischer