



## Minutes of the City Council Work Session

Held on Monday, November 03, 2008

6:30 P.M.

President Sonner called the work session to order at 6:40:11 p.m. He advised that the purpose of the work session was to discuss and consider a recommendation by the Housing Renewal Commission to discontinue change of occupancy and point – of – sales inspections.

Gary Boyle advised that the purpose of this work session was to discuss the present practice as it related to point of sales and change of occupancy inspections for residential properties. Boyle reminded Council that the description of duties for the position of code administrator required that the code administrator conduct inspections of residential rental properties when a change of tenant occurred or when a residential property was being sold. Boyle stated that since the code administrator's duties had been reassigned to other people in the building department they have continued to carry out the inspections, but only when notified. Boyle advised that the Housing Renewal Commission had benefited through the City's contract with Steve Polinski, a State Certified Residential Housing Official. Boyle explained that Polinski had offered a number of updates and suggestions to current codes and policies in place for the City, the most recent one being point-of- sales and occupancy inspections. As a result of those suggestions the Housing Renewal Commission submitted a recommendation to Council that point-of-sales and occupancy inspections would be discontinued. Boyle advised that one of the principal purposes for cities to conduct change of occupancy or point-of-sale inspections of residential properties was to identify situations that were not in compliance with the city code, and then to require that the property be brought into compliance either prior to occupancy, or sale, or as a condition of the same. Boyle advised that though the City had conducted several inspections, he didn't think that any action had been taken to enforce compliance. Planning Director Boyle advised that not only had the City not been able to enforce compliance but many times it had been difficult to ensure that a proper inspection had been completed when many times the utilities were turned off and in other instances the hazards were concealed (i.e., mold, leaking roofs, faulty wiring). Boyle advised that staff had looked at inspection practices in place for surrounding communities and found that in Lorain County, Sheffield Lake was the only city conducting point – of – sale inspections and that was a process that had been established to ensure that sidewalks were being installed rather than to inspect the condition of homes. Boyle stated that should Council determine that it was interested in pursuing point-of-sale and change of occupancy inspections for residential properties, a wide range of approaches or programs could be developed for Council's consideration, for instance:

### Possible Options for Point of Sale Inspections

- Council could entertain accepting the recommendation by the housing renewal commission, that the City cease doing point – of – sale inspections.
- The City could create a point of sale program that is far more rigorous than the one that was currently in place.
- The City could implement a program with an end result that was measurable allowing them to hold future and present property owners to task.

### Cons from Housing Renewal Commission

Boyle advised that by implementing these changes if a property didn't change hands due to the City's inspection, or if the City decided to take an escrow amount at the cost of the estimated improvements, then it could reduce the amount of money that may change hands on the sale of a property, it could also create an administrative burden for various departments that potentially could result in getting the law director involved to handle compliance agreements and other relevant legal matters. Boyle advised that this process would create a significant additional work load for City staff. He also mentioned that an alternative solution suggested by the Human Relations Commission could be utilized which would require the owner/purchaser to hire a private certified housing inspector who would then submit report findings to the City. He advised that if they were going to do this then they would need to enforce compliance issues which if that was Council's desire then staff would do it, but not without facing serious ramifications.

#### Possible Options for Change of Occupancy Inspections

- Staff considered implementing a Rental Housing License and Inspection Program.

Under penalty of whatever ordinance council developed, it would be the responsibility of all owners of rental properties to come forward and license their property. Boyle advised that this program would give the city an idea of where the rental properties were located, which in turn would allow the City to establish an annual inspection program.

#### Closing Remarks

Boyle further advised that if Council wanted to consider any of the programs mentioned for point – of – sales inspections and or change of occupancy inspections then they would need to consider possible regulations related to those programs and also review what the city's cost would be in enforcing those policies as well as consider methods for recouping those costs.

Broadwell asked if Steve Polinski would have the time to implement these programs if the City decided to move in that direction. Gary Boyle advised that Mr. Polinski would not they would need to contract someone else to handle this task. Norenberg advised that if Council decided to implement a Rental Housing License and Inspection Program then that program would allow them to predict future inspections and better anticipate when that individual would need to be scheduled to work. Boyle added that that individual would need to be state certified as well since the City was challenged in those areas being addressed.

Baumann asked if given the fact that they have so many college students over the course of the year moving in and out, would it make sense to require a change of occupancy inspection to be required not more than every, two to four years. Boyle advised that this would more than likely be the direction that they would move towards with the exception of those units that they have received complaints on.

Ashenhurst said that initially he had wanted to say that a change of occupancy inspection should be completed every four years or at change of occupancy (whichever was less), unless a complaint had been filed. Ashenhurst added that as far as the point of sales inspection goes he would recommend that they ask the private parties to get the inspection done and if they were unable or unwilling to, then the City would step in and take care of it for a nominal fee. Boyle advised that if they didn't have an enforcement mechanism in place then he saw no point in offering this service.

Sonner asked what percentage of the homes in Oberlin were rental properties. Boyle advised that he would have to say approximately 50% or greater.

Sonner said that they had heard the cons to keeping the inspection, but he wondered if they could hear the pros at this time. Boyle advised that one of the pros was that it allowed the city to gain access to properties for the purpose of conducting an inspection. Sonner advised that he would like to add two more, safety and property maintenance.

Mr. Rimbart advised that he was inclined to side with the Housing Renewal Commission, he said that with the market being as fragile as it was, he would hate to see the City have the ability to block a deal if the properties were not up to code. Rimbart also wanted to know whose liability it was if the City were to pass an inspection and then later it was determined that the home was not up to code. Boyle advised that in his discussions with Attorney Severs, he believed that the City would have some immunity in a case like this, but that wouldn't stop a law suit from being filed. Rimbart further stated that he agreed with the planning director in that if mechanisms were not in place to enforce code violations, then it was pretty much a waste of time.

Charles Peterson advised that he was more in favor of supporting rental licensing and doing away with the point of sale inspections. Soucy agreed with both Rimbart and Peterson and added that she would like to hear more about the Housing Rental Licensing and Inspection Program. Soucy advised that she would like to support the recommendation by the Housing Renewal Commission and for the most part keep the City out of it.

President Sonner opened the floor for public discussion.

Larry Funk, Oberlin resident, advised that he would suggest that they do away with the point-of-sale inspections. Funk added that he was not however, a fan of the Housing Rental Licensing and Inspection Program because it automatically penalized everyone who owned a rental property. Funk stated that he would like to see the current ordinance stay in effect and if an issue arose in the future with a residential or rental property then they could use that ordinance as a reference tool.

Following the discussion Mr. Sonner asked that Council, by consent, recommend to the administration that they propose a Housing Rental Licensing and Inspection Program, so that every rental property owner could expect their property to be scheduled for examination to determine whether it was decent, safe, and sanitary on a regular basis.

Being that there was no further business to come before Council the work session adjourned at 7:36:07 p.m.

Attest:



Belinda B. Anderson  
Clerk of Council



David E. Sonner  
President of Council

Approved: 11/17/2008

Posted: 11/18/2008

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