

Housing Advisory Commission Minutes

Monthly Meeting: Conducted Via Zoom

Wednesday, April 22, 2020, 8:30 AM

Attending: Lisa Darden, Bill Kawecki, Amy Fairborn, Gail Lipscomb, Alexis McMillen, Emily Muzzarelli, Sara Pardey, Arthur Trusler, Brian Walker, and John Whitmore

Student Move-Out and Move-In: Group

At the request of city and county leaders, students and parents, landlords, and WVU officials, these groups formed a task force in early April to handle move-out issues during the COVID-19 pandemic. The goal is to minimize contact among tenants and landlord staff for students moving out, beginning in May. After a meeting with city and county officials, landlords, and representatives from the Monongalia County Health Department, the dean of students tasked Gail Lipscomb and Brian Walker with devising a suggested move-out plan designed to help minimize contact and the spread of the coronavirus during off-campus move-out.

Arthur Trusler reached out to the West Virginia Attorney General's Office, and he was told to handle business as usual. Arthur has about 75 leases ending in May. He has instructed tenants who are moving out to put keys in dropbox along with a move-out form. He stated that landlords will have great difficulty lining up cleaning contractors, but painters seem to be working. A lot of students who have moved out left and don't plan to come back, leaving a lot of garbage behind. The city is working on a plan with Republic to alleviate garbage issues during move-out in student neighborhoods. Emily Muzzarelli stated that if there is garbage overflow, landlords should let the City know. Morgantown Police Department Chief Ed Preston is reaching out to groups to see if collecting reusable items is possible for later distribution to those in need. Brian said that, unfortunately, the Blue and Goldmine sale that WVU typically holds has been canceled. Alexis McMillen said Wadestown Community Center might be able to take some furniture and other belongings.

John Whitmore stated that some trash might be mitigated through dumpster diving and others who come into town from out of state to collect belongings. Arthur wondered if, because of COVID-19 concerns, we are endangering others. Maybe we should not encourage others from doing this due to possible gatherings and having groups of people get sick. Amy Fairborn asked if landlords could just sit on belongings for awhile, but Brian pointed out that leases are ending and people need to move in. Arthur said that some tenants don't pack in advance of moving out; on the last day of the lease, they gather their belongings without packing first. Parents don't want their kids coming back and getting sick. International students have a much larger problem, in that some governments called all residents back. John asked if landlords anticipated difficulty in getting contractors in to clean out units, possibly recouping costs from tenants. Arthur stated that, if there are cleaning costs, he tries to keep the costs down, because they can be very hard to recoup. He generally uses local cleaning crews rather than third party vendors.

Arthur anticipates there will be holdover tenants, people who refuse to move out. Ordinarily landlords could file for wrongful occupation or eviction and have police remove tenants, but this won't happen since the courts aren't hearing evictions at present. Gail said courts are only hearing emergency safety issues and constitutional issues. Landlords' hands are tied in these cases. Off-campus housing is actual housing and not contingent on being a student. It doesn't matter who you are if you have signed a contract. Parents complain about paying for an empty apartment. While WVU's message is that students shouldn't come back to campus, that doesn't mean that you can't live in your apartment. Some landlords have few student tenants still in town, but some, such as Metro, estimate that 70 percent of their housing is occupied. Brian said that emergency housing at WVU is becoming tapped out, but that may change beginning in May.

Gail said that WVU cannot mandate that students do anything when it comes to off-campus housing. Some parents have contacted us and want property owners to just waive future rent, but landlords have debt, mortgage payments, upkeep, and utilities. When it comes to move-out and having tenants socially distance, incentives from landlords and WVU might help with compliance. It might help get people out of

their units at the end of the lease. Courts will have to come up with a general plan to help out, trying to decide who was basically trapped versus people taking advantage of the current situation. Judgements might not be worth anything, and this will be an involved process for months after the courts reopen. Landlords will be stuck at some point with a lot of the hassle and costs. Arthur has encouraged owners to reach out to lenders for forbearance, and some have received some extra time, but some have not. Arthur stated that force majeure is just a paragraph heading, as everything is determined as to the court's interpretation.

Student Housing and Legal Issues: Gail and Brian

Brian and Gail have had many conversations with parents and students about paying rent during the pandemic; some just don't want to while their students are home, while others are experiencing financial hardship. Governor Justice has no authority to waive and cancel contracts. Gail said it's an unfortunate situation, but people often buy or rent properties without using them all the time, like vacation rentals and such. Arthur stated that some tenants have turned off utilities, which will incur a condemnation by Code Enforcement.

Next Meeting

May 27, 2020.

Adjournment