

## Housing Advisory Commission Minutes

Monthly Meeting: Via Zoom

(<https://us02web.zoom.us/j/92216643920>)

Wednesday, July 22, 2020, 8:30 AM

Attending: Katrina Bonfili, Lisa Darden, Bill Kawecki, Gail Lipscomb, Alexis McMillen, Emily Muzzarelli, Sara Pardey, Ryan Simonton, Ken Tennant, Arthur Trusler, Brian Walker, and John Whitmore

### Call to order

#### **Vacant Buildings Ordinance: Bill Kawecki**

Bill stated he is somewhat uncomfortable with the vacant building ordinance passed last night at City Council. What exactly is a vacant building? He said he understands the principle behind it, as some owners have essentially abandoned their houses, and many are out of state owners. Some owners protest such ordinances, saying they are using the structures for storage. Bill thinks it's a good thing to have a vacancy ordinance but worries that we may be stepping on property rights. Arthur Trusler said that a vacant structure could even be a garage, which is why Bill applauded exemptions. There is a fee structure in the ordinance, and according to Ryan Simonton, there is no cap to the penalty. After five years, there is a \$4K registration fee and that can keep going up. Arthur stated he would like to see a cap if, for example, someone has some family property or an estate that hasn't been settled.

Arthur asked if there is an appeal process to request exemption. Ryan replied there are two options. The owner can appeal to the City Manager's office. An easy appeal, as an example, would be a parcel adjacent to a residence, such as a garage being used for storage. If the appeal is denied, you can appeal the decision in circuit court. The second option is an exemption process through City Council, if there is someone happening, such as an estate issue, that precludes use of the structure. Arthur asked how this will be enforced, as he has vacancies in certain structures but is required to register the vacant apartment as a unit by itself. Ryan doesn't know if this has been specifically addressed but will look into it with the city manager's office and code enforcement. Alexis asked if state code provides a definition of what a vacant structure is, as a definition is warranted for the purpose of appeal. Ryan said our ordinance is modeled after the City of Wheeling, and there is no clear state code definition. Structures with no utility hookups for more than 90 days would need to apply for exemption. Ken Tennant

stated that under state fire code, a vacant unit would not render the entire building a vacant structure, but there may be something in the building code that is different.

Other West Virginia cities are doing this, including Charleston, and such ordinances could well serve as an incentive to not have vacant structures without functioning utilities. The hope is that the ordinance is not labor intensive for code enforcement and will provide good outcomes regarding safety and blight. Do unintended negative outcomes exist from the changes made to the ordinance? John Whitmore said, from a planning perspective, property owners do not have absolute rights to do anything to the property they please. If the structure is in a zone that doesn't permit storage, the property is in violation. We have zoning to regulate land use and these areas can be zoned for single family housing.

## **Move-In for residence halls and University Apartments: Brian**

Brian discussed WVU's plan for move-in for residence halls and University Apartments. Residence hall move-in will be staggered over an eight-day period beginning Saturday, August 8 and ending Saturday, August 15, with the first day of classes taking place on Wednesday, August 19. *(Please note that, since this meeting took place, University officials have pushed everything back one week, so move-in starts on August 15 and the first day of classes is August 26.)*

## **New Business**

Emily Muzzareli discussed the eviction ordinance passed by Morgantown City Council on July 21 to protect evicting tenants who can demonstrate financial hardship due to the ongoing COVID-19 pandemic. City Council passed the emergency ordinance stating that such an eviction can be deemed a public nuisance and a misdemeanor punishable by a fine of up to \$500 for each day a landlord remains in violation. The emergency ordinance also suspends regular rental inspections and extends letters of compliance issued between March 12 and Dec. 31, 2020 through February 28, 2021. The ordinance does not suspend complaint-based inspections. Gail asked if someone can't pay rent due to hardship, will this actually discourage landlords to evict? Evictions go through magistrate, not city, court and as such, the city can't prevent evictions yet. The ordinance is not scheduled to go into effect yet. Arthur said the federal moratorium on evictions expires July 27, but there is no eviction moratorium at the state level. Gail said that, indeed, at the state level there was no official moratorium; instead, courts were handling emergency situations only, tabling evictions and other cases. Arthur stated that, as a property manager, he resents such an ordinance. Some of his tenants have been in arrears since February. However, landlords and property managers have bills due, such as insurance, utilities, and upkeep. He says he has tenants who have been getting unemployment since March but

haven't paid rent. Some of his clients don't own multiple units and such an ordinance could put some owners into foreclosure.

Gail asked if this situation is mitigated by the lease ending and tenants vacating. Arthur said the worst tenants are refusing to leave. He has another round of leases ending and new tenants are coming in. Alexis asked if Arthur knew of anyone who has tried to work with tenants through mediation. He replied that magistrates often try to send cases to mediation, but owners aren't really helped by it because the financial obligations of the tenant aren't met.

Bill said some charities can help with rent relief. Arthur has referred some tenants to these, but some tenants just don't care and wish to squat and try to take advantage of the system. Arthur has about 400 tenants in payment plans right now to avoid eviction. Alexis stated that housing providers have to be able to pay their bills and must in order to be able to provide housing to others. John sees two different angles: people who legitimately need help, and people who are working the system. Emily stated that hardship needs to be tied to COVID and tenants must be able to document how COVID is limiting their ability to pay rent. Ryan said this ordinance is a much more targeted tool and tenants must show hardship documentation and how this is related to COVID. It sunsets December 15. Arthur understands why this was put in; some say they can't get hours due to COVID, but he has tenants who were behind on rent before COVID. Owners get squeezed out, as they aren't getting rent for five or six months and can't evict right now because the courts aren't open.

John stated the Bowen housing report has been completed, and Chris Fletcher will be invited to talk about it at next month's meeting. The report indicated there's too much student housing. The Housing Advisory Commission may want to explore hiring a housing director to provide direction and recommendations.

## **Next Meeting**

August 26, 2020

## **Adjournment**