



Office of the City Manager
City of Greensboro

February 01, 2013

IFYI HIGHLIGHTS

- Pros and Cons of Chloramines Disinfectant
- Value of Barber Park Land Leased to YMCA
- Lease for Parking with 102 North Elm Street, LLC.
- Rental Dwelling Unit Ordinance Amendment

TO: Mayor and Members of Council

FROM: Denise Turner Roth, City Manager *DTR*

SUBJECT: Items for Your Information *File*

Council Follow-Up Items

➤ **Pros and Cons of Chloramines Disinfectant**

As a follow-up to a request from Mayor Pro Tem Johnson at the January 15, 2013 Council meeting, attached is a memorandum from Water Resources Director Steven Drew, dated January 30, 2013, providing the pros and cons of water treated with chloramines disinfectant. Also attached is the brochure that was sent to all residents in the summer 2011.

➤ **Value of Barber Park Land Leased to YMCA**

As a follow-up to a request from Councilmember Matheny, at the January 28, 2013 Work Session, attached is a memorandum from Interim Parks and Recreation Director Chris Wilson, dated January 31, 2013, regarding the value of the land leased to the YMCA at Barber Park.

Supplemental Agenda Item for February 5, 2013 City Council Meeting

➤ **Lease for Parking with 102 North Elm Street, LLC**

Attached is a supplemental agenda item regarding a resolution authorizing a lease between the City and 102 North Elm Street Associates, LLC for parking at either the Davie Street and/or Church Street Parking Decks. This will be added to the agenda for Council consideration at the February 5, 2013 City Council Meeting.

Rental Dwelling Unit Ordinance Amendment

Attached is a memorandum from Planning and Community Development Director Sue Schwartz, dated January 31, 2013, regarding proposed amendments to the City's minimum housing code based on the change in the legislation and the work of the Post RUCO Study Committee.

Contact Center Feedback

Attached is the weekly report generated by our Contact Center for the week of January 21, 2013 through January 27, 2013.

Small Group Meetings

Attached is the Small Group Meetings Report for the week of January 25, 2013 through January 31, 2013, between City Staff and [more than two but less than five] Councilmembers.

DTR/mm
Attachments

cc: Office of the City Manager
Global Media



January 30, 2013

TO: David Parrish, Assistant City Manager

FROM: Steven Drew, Water Resources Director

SUBJECT: Pros and Cons of Chloramines Disinfectant as requested by Mayor
Pro Tem Yvonne Johnson, At Large

The purpose of disinfection is to make the water safe for human consumption. Water that has been treated with a disinfectant such as chlorine or chloramines is effective in preventing the spread of waterborne diseases. Disinfection with chloramines has been used since the early 1900s by approximately 35 percent of water systems in the United States and is steadily growing.

Greensboro applied the chloramines process due to the Environmental Protection Agency's enforcement of the Safe Drinking Water Act (SDWA) Stage II Disinfection By-Product (DBP) rule. As a follow up, NC DENR required water systems to comply with more stringent compliance standards by April 1, 2012.

Why did Greensboro have to change its method of disinfection?

Greensboro and neighboring interconnected water systems including the PTRWA Lake Randleman Treatment Plant were unable to reduce DBP production with conventional treatment methods using chlorine disinfection sufficiently to comply with the new rule. Because Greensboro's water mixes with other system's water in the distribution system, compatibility of treatment and disinfection method is required.

Greensboro and its partner systems investigated various treatment techniques over an 8 year period, including consultant led pilot testing at the water plants. The partner systems universally agreed on chloramines disinfection to meet both compatibility and compliance criteria. Chloramines interrupt the reaction with carbon that form DBP for which the Stage II DBP rule regulates.

Greensboro and its neighboring water systems switched to chloramines in the summer of 2011 to gain operational practice leading up to the April 1, 2012, compliance date. To date, compliance with new DBP MCLs has been successfully met. Greensboro regularly not only meets, but as a matter of practice, exceeds all drinking water standards set by regulatory agencies.

SD

Questions

About Chloramines?

Contact your water provider listed below.

City of Archdale
(336) 434-7338

City of Burlington
(336) 222-5133

City of Greensboro
(336) 373-2489

City of High Point
(336) 883-3111

Town of Jamestown
(336) 454-1138

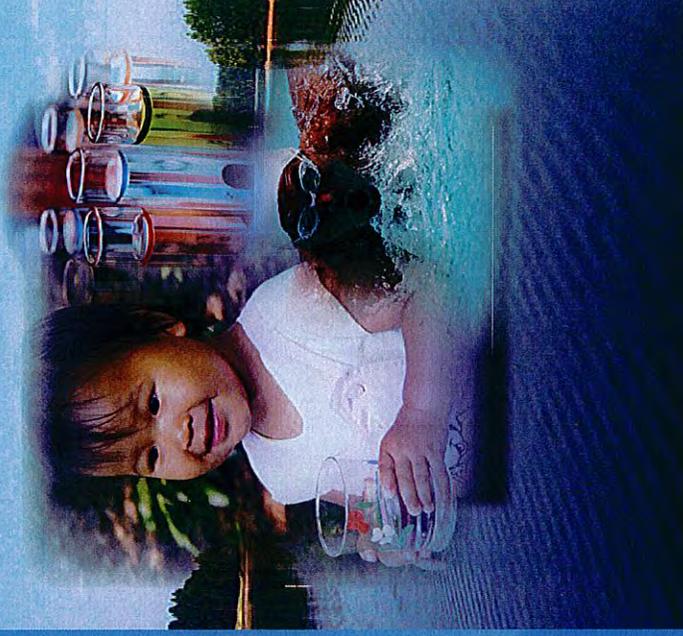
Piedmont Triad Regional Water Authority
(336) 498-5510

Town of Randleman
(336) 495-7500

City of Reidsville
(336) 349-1070

Enhancing

Your Drinking Water



Important Information
from Your Water Provider
Concerning Water Treatment

In early summer of 2011 the following local water utilities: Archdale, Burlington, Greensboro, High Point, Jamestown, Piedmont Triad Regional Water Authority, Randleman, and Reidsville will change their current disinfection product from free chlorine to chloramines to comply with new federal regulatory standards.

What are chloramines?

Chloramine is a type of disinfectant used by many water utilities across the United States to remove bacteria and other germs that may be harmful to personal health. Chloramines is a combination of both chlorine and ammonia.

Why change to chloramines?

To comply with regulations, the use of chloramines is one of the more practical disinfectant alternatives to chlorine. Chloramines will provide a higher quality drinking water because it lasts longer in the distribution system and produces less chlorinous taste and odor concerns.

Are chloramines safe to use?

Chloraminated water is safe for drinking, cooking, bathing, and for all other general uses. However, as with chlorine, precautions must be taken to remove or neutralize chloramines during the kidney dialysis process, for businesses requiring highly processed water, and fish tanks and ponds.

While Chloraminated Water is Safe, Three Groups Should Take Special Precautions when using Chloraminated Water

1



Kidney Dialysis Patients

As with chlorine, chloramines must be removed from water used in kidney dialysis machines. During the process, water comes in contact with blood across a permeable membrane.

Your local water provider has notified kidney dialysis centers about the upcoming change to chloramines. If you are a dialysis patient and have questions, contact your physician or the dialysis center where you are treated.

2



Specialized Businesses

Businesses using water for food or beverage manufacturing, commercial laundering operations, laboratory procedures, seafood handling or any other processes should carefully monitor their current filtration system and treatment process.

For guidance with the conversion, businesses should contact their equipment supplier, manufacturers, or product suppliers.

3



Fish, Pond, and Amphibian Owners

As chloraminated water passes through gills it directly enters the bloodstream of fish, amphibians, and reptiles. Chloramines are harmful because they bind to iron in red blood cells and reduce their capacity to carry oxygen. Chloramines are toxic to both fresh and salt water fish, reptiles, and amphibians and cannot be removed by boiling water, adding salt or letting water stand in an open container to dissipate. Chloramines can only be neutralized or removed with specific treatment products found in most pet supply stores. Aquarium and pond owners should carefully monitor the ammonia concentration in addition to chlorine.



Greensboro Parks & Recreation
City of Greensboro



January 31, 2013

TO: Denise Turner Roth, City Manager
FROM: Chris Wilson, Interim Director
SUBJECT: Value of Barber Park Land Leased to YMCA

During their recent work session, Council requested information on the value of the land leased to the YMCA. Although an appraisal was not completed on the 19.295 acres included in the lease, the City's Property Management Division reviewed the tax records and reported that the total tax value of Barber Park's 117.79 acres is \$3,676,000 or \$31,208.08 per acre. Assuming an equal cost per acre, the leased acreage has a value of \$602,159.90.

Please let me know if you have any questions.

CW/dm

cc: Sandy Neerman, Assistant City Manager
Nasha McCray, Division Manager, Planning and Project Development
Wade Walcutt, Division Manager, Community Recreation Services
Dan Maxson, Division Manager, Administrative Services



City of Greensboro
City Council
Agenda Item

TITLE: RESOLUTION AUTHORIZING LEASE BETWEEN THE CITY OF GREENSBORO AND 102 NORTH ELM STREET ASSOCIATES, LLC FOR PARKING

Department: Transportation	Meeting Date: 2/05/13
Contact 1: Adam Fischer	Public Hearing:
Phone: 373-2861	Advertising Date / Advertised By:
Contact 2: Stephen Carter	Council District: All
Phone: 333-6879	Authorized Signature:
Attachments:	

PURPOSE:

The Greensboro Department of Transportation requests City Council authorization to execute a lease agreement for parking with 102 North Elm Street Associates, LLC.

BACKGROUND:

102 North Elm Street Associates, LLC is planning to renovate the historic Southeastern Building at the estimated costs of \$13.1 Million, at least 5 new full-time jobs will be created, and commercial businesses will occupy the renovated building. In order for 102 North Elm Street Associates, LLC to close on its loan with HUD in February, it must submit the lease for 80 parking spaces to HUD no later than the second week in February, 2013.

The lease in question will be for the initial term of ten years with the option to extend the term for four, seven year terms, and one, two year term, for a total lease term of up to forty years. The Lessee will sign a Lease Agreement with the City to commence upon the completion of the renovation of the Southeastern Building anticipated to be March 1, 2014.

BUDGET IMPACT:

102 North Elm Street Associates, LLC will pay a proximity control card deposit of \$27.50 per card issued and a monthly fee of \$55.00 per space or whatever fee as may be adjusted in the future by the City.

RECOMMENDATION / ACTION REQUESTED: Council is requested to approve the Lease between the City and 102 North Elm Street Associates, LLC. A written lease is needed prior to the closing of the loan with HUD.

Agenda Item: _____

Agreement for Monthly Parking in the Davie Street Parking Deck

This Agreement made and entered into this _____ day of _____, 2013 by and between the 102 North Elm Street Associates, LLC, (hereinafter referred to as Lessee) and the City of Greensboro (hereinafter referred to as Lessor).

WITNESSETH

WHEREAS the Lessee desires to lease 80 parking spaces in the Davie Street Parking Deck located at 109 E. Market Street and/or the Church Street Parking Deck located at 215 N. Church Street, at the agreed monthly parking rate for use by the lessee's employees/citizens;

WHEREAS these spaces are available for rental on a monthly basis;

RESPONSIBILITIES OF LESSOR:

1. The Lessor agrees to lease to Lessee up to a maximum of 80 parking spaces in the gated Davie Street Parking Deck at the going monthly rate set by the City of Greensboro. If all of the needed spaces are not available in the Davie Street Parking Deck, then spaces will be provided in the Church Street Parking Deck. This Lease will continue in full force and effect for ten (10) years, unless sooner terminated under the provisions of this Agreement. Seven (7) years from the Date of Lease Commencement and every seven years thereafter for up to five (5) times, the Parties agree to negotiate in good faith a Seven (7) year extension of the lease term to extend the Lease Term for up to forty (40) years. The Parties agree that the last extension of the lease, if such extension is agreed to by the Parties will only be for two (2) years for a potential term of forty years. The Commencement Date of the Lease Agreement will occur upon the completion of the renovation of the Southeastern Building anticipated to be March 1, 2014.
2. The following conditions and provisions are expressly understood and agreed by the Lessee for monthly parking:
 - a) The Lessee is responsible for having every employee or citizen that wishes to park in the Davie Street Parking Deck or the Church Street Parking Deck complete the attached Application for Monthly Parking Permit and returning it to the City of Greensboro Parking Operations Office, signed and dated by the Parking Applicant. Lessee shall send a monthly spreadsheet to the City of Greensboro Parking Operations Office, indicating every employee that has been issued a proximity control card with the card number.
 - b) That total monthly payments are to be mailed or delivered on or

before the 1st day of each month at the agreed fee of \$55.00 per space or at **such monthly fee as may be adjusted in the future on an annual basis** to:

City of Greensboro
Collections Division
P.O. Box 3136
Greensboro, NC 27402-3136

- c) The monthly payments are to be paid by Lessee no later than the first day of each month in advance. The failure to make payments by the 10th of the month will result in forfeiture of monthly parking privileges.
3. The Lessor will not be responsible for loss by fire, misdelivery, theft, or damage to vehicle. Articles left in cars are at the owner's risk.
4. Monthly parking provides for entry and exit of the parking lot at anytime.
5. It is agreed that if any of the conditions and provisions herein are violated, that the vehicle in violation may be towed and/or the monthly parking privileges for that employee/citizen be terminated.
6. One proximity control card per space will be issued to Lessee for its employees/customers to enter and exit the lot under the agreed terms. A one-time proximity control card deposit of \$27.50 per card issued, is due and payable each time a proximity control card is issued to Lessee. The card deposit is refundable at the time of cancellation if the Lessee does not owe any money on its account. The control card will remain the property of the City of Greensboro, and may not be misused, loaned, sold or assigned and shall be returned to the Parking Attendant's Supervisor, located at the Davie Street Parking Deck or Church Street Deck, depending on which Deck issued the proximity control card, at the termination of this agreement.
7. A non-refundable fee of 5.00 per card shall be assessed for replacement of lost proximity control cards.
8. The Lessee agrees that only one vehicle per card will be parked in the lot at any given time under this agreement.
9. A specific space will not be reserved for each monthly parker within the reserved area. Monthly parking privileges are on a first come first serve basis.
10. This Agreement may be extended for an additional period by mutual agreement of the parties hereto provided that written notice is given no less than two weeks prior to the expiration of this Agreement.

11. This Agreement shall be governed by and construed in accordance with the law of the State of North Carolina.
12. Any violation of the terms of this Agreement by Lessee shall be grounds for termination upon ten (10) days written notice by the Lessor.
13. All notices and other communications pursuant to this Agreement shall be in writing and shall be delivered by hand, fax, email or First Class mail as follows:

To the Lessor:
Robin Davenport
Parking Operations Manager
P.O. Box 3136
Greensboro, NC 27402
Fax: (336) 412-3957
Email address: Robin.Davenport@greensboro-nc.gov

To the Lessee:
Amanda Siegal Williams
BSC Holdings, Inc.
P.O. Box 8306
Greensboro, NC 27419
Fax: (336) 632-0207
Email address: asiegal_williams@bscholdings.com

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

WITNESS: 102 North Elm Street Associates, LLC

Managing Partner

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

Recommended by: _____
Director of Transportation

ATTEST: CITY OF GREENSBORO

City Clerk

City Manager/Deputy City Manager

Approved as to Form:

City Attorney

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Deputy Finance Director

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RESOLUTION AUTHORIZING LEASE BETWEEN THE CITY OF GREENSBORO AND
102 NORTH ELM STREET ASSOCIATES, LLC FOR PARKING

WHEREAS, 102 North Elm Street Associates, LLC is planning to renovate the historic Southeastern Building at the estimated cost of \$13.1 Million, at least 5 new full-time jobs will be created, and commercial businesses will occupy the renovated building;

WHEREAS, eighty (80) parking spaces are needed for occupants of the renovated building;

WHEREAS, 102 North Elm Street Associates, LLC would like to lease the needed parking spaces from the City of Greensboro for the initial term of ten years with the option to extend the term for four, seven year terms, and one, two year term, for a total lease term of up to forty years; and

WHEREAS, 102 North Elm Street Associates, LLC will sign an Agreement for Monthly Parking with the City of Greensboro for eighty (80) parking spaces with a term to commence upon the completion of the renovation of the Southeastern Building anticipated to be March 1, 2014;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the proposed Lease Agreement between the City of Greensboro and 102 North Elm Street Associates, LLC is hereby authorized.

THE FOREGOING RESOLUTION WAS ADOPTED
BY THE CITY COUNCIL OF THE CITY OF
GREENSBORO ON THE 5th DAY OF FEBRUARY, 2013.

APPROVED AS TO FORM

CITY CLERK

CITY ATTORNEY



January 31, 2013

TO: Jim Westmoreland, PE Deputy City Manager
FROM: Sue Schwartz, FAICP Director
SUBJECT: Rental Dwelling Unit Ordinance Amendment

In June 2011, changes to North Carolina General Statutes effectively eliminated Greensboro's Rental Unit Certificate of Occupancy (RUCO) but did provide some regulatory tools for municipalities to address issues with residential rental property. Attached is the staff report with recommendations for City Council's consideration for amendments to the City's Minimum Housing Code based on this legislation and the work of the Post RUCO Study Committee.

Staff is recommending that City Council adopt the proposed ordinance amending the minimum housing code to include strengthened penalties for non-compliance and pro-active measures to effectively target enforcement efforts where most needed. The proposal includes a phased-in approach. Further staff is recommending the City move forward immediately with procedural changes, which will give owners a clearly defined timeframe and process in which to make repairs, as well as a penalty structure for non-compliance. Additional tools, which provide a more pro-active approach to inspections, would be implemented over a nine-month period. Public engagement and education measures are included and will be essential for effective implementation.

It is important to acknowledge the time and efforts of the members of the Post RUCO Study Committee members. The Committee was appointed by the City Manager's Office from a cross section of stakeholder groups who have been actively engaged in RUCO and other housing code issues. The Committee met from March through November 2012 and provided insights on the applications of potential code changes and valuable suggestions for the structure and function of the amendments.

SS
Attachment

cc: City Council
Post RUCO Study Committee
Denise Turner Roth, City Manager
Mujeeb Shah-Khan, City Attorney

Rental Dwelling Unit Ordinance Amendment Staff Proposal

1/31/2013

City of Greensboro

Planning and Community Development



Rental Dwelling Unit Ordinance Amendment - Staff Proposal

Introduction:

The purpose of this report is to provide recommendations for amendments to the Greensboro's Minimum Housing Code as prepared by City of Greensboro staff. These recommendations are an effort to address concerns expressed by City Council over the past year, as well as to incorporate provisions recently allowed by the NC General Statutes concerning residential rental property.

This report also provides the backdrop upon which staff recommendations were formed, including background about the former RUCO program and a summary of the Post RUCO Study Committee, which met from March through November 2012.

Background:

In 2003, the City enacted an ordinance which created a proactive rental property inspection process known as the Rental Unit Certificate of Occupancy [RUCO] program. The RUCO program originally sought to comprehensively inspect all known rental units in the City and to bring substandard units into compliance with minimum housing standards. Subsequent changes to the ordinance reduced the scope to an annual sampling of known rental units. The RUCO program was administered by the City Engineering and Inspections Department, through the Local Ordinance Enforcement Division. The division worked with a public review board which was appointed by City Council to provide direction and hear complaints for the RUCO program.

In 2011, the General Assembly adopted Session Law 2011-281, entitled, "An Act Requiring Counties and Cities to Have Reasonable Cause Before Inspecting Residential Buildings or Structures," which effectively terminated proactive rental property inspection programs statewide. The law reinstated "reasonable cause" as the basis for residential inspections. However, the law did offer communities a framework for conducting periodic inspections and a registration program once a property or owner exceeds a threshold level of housing code violations. The text of the Session Law 2011-281 codified as G.S. 160A-424 is found in Attachment 5.

In March 2012, the City Manager's office appointed a Post-RUCO Study Committee made up of City staff, neighborhood, tenant and landlord stakeholder groups to examine the new options available under State law and to make a program recommendation for Greensboro to supplement the minimum housing code inspection process for rental dwelling units. The Committee met several times over 10 months and examined housing case data, police and fire data, current City inspection processes (Minimum Housing, Fire, Building), current code definitions, and operational policy. The Committee drafted text which would add some of the new enforcement options allowable under state law to the City's existing minimum housing code.

Rental Dwelling Unit Ordinance Amendment - Staff Proposal

During meeting discussions, there appeared to be consensus within the group on two recommendations:

- **Cure Period** - The addition of a 30 day cure period, with a maximum of 2 additional 30 day extensions of time, for owners to correct minimum housing code violations. The cure period begins after a hearing on the violations and the issuance of an Order to Repair. Violations remaining after the cure period ends are defined as “uncured verified violations” and may become subject to increased penalties.
- **Re-inspection Fees** The addition of re-inspection fees with a recommendation to follow the escalating fee schedule established by the Fire Department for fire safety code inspections (\$150 first re-inspection, \$300 second, \$400 subsequent). Fees must be paid before a property is determined to be in compliance. However, owners would be exempt from re-inspection fees for violations caused solely by tenant damages.

The committee did not reach consensus on several other elements of the proposed ordinance:

- Definition of major and minor housing code violations
- Threshold level of violations which would trigger enforcement and penalties
- Applicability of re-inspection fees for units that are off-line or vacant
- Threshold violation level which would trigger inspection of an owner’s other rental dwelling units for larger property holders
- Inclusion of a property registration program for properties with uncured violations
- Charging re-inspection fees to tenants for violations that can be attributed to their negligence

These areas of disagreement with the draft text or enforcement process are outlined with their respective proponents and opponents in a matrix found in Attachment 3 of this report.

After the Committee’s last meeting, the Greensboro Neighborhood Congress and the Greensboro Housing Coalition withdrew their support from the proposed ordinance amendment. Staff from the Legal and Planning and Community Development Departments are evaluating their alternate proposal for legality and feasibility and will provide an update on those findings at or before the Council briefing.

Recommendations:

City of Greensboro staff recommends that City Council adopt the proposed ordinance amending the minimum housing code to include strengthened penalties for non-compliance and pro-active measures to effectively target enforcement efforts where most needed. The proposal includes a phased-in approach. Staff recommends that the City move forward immediately with procedural changes which will give owners a clearly defined timeframe and process in which to make repairs, as well as a penalty structure for non-compliance. Additional tools which provide a more pro-active approach to inspections would be implemented over a nine month period. Public engagement and education measures are included and will be essential for effective implementation.

Rental Dwelling Unit Ordinance Amendment - Staff Proposal

RECOMMENDATION FOR ORDINANCE ADOPTION

Recommendation 1: Planning and Community Development staff recommends that City Council adopt all of the elements included in the Draft Ordinance in Attachment 1.

The proposed ordinance amends the minimum housing code with provisions allowed under the new state legislation to reinforce elements of the code specifically for rental housing. It provides incentives to encourage expedient attention by property owners to address violations; it adds “teeth” to the existing code by establishing escalating re-inspection fees; it gives the City a pro-active tool to inspect the property of owners with a history of uncured violations; and it provides consumer information for potential tenants by compiling a list of properties with repeat violations through a property registration program.

RECOMMENDATION FOR IMMEDIATE IMPLEMENTATION

Recommendation 2: Implement Cure Period and Re-Inspection Fees Immediately

Council should move forward immediately with adoption and enforcement of the Cure Period and Re-inspection Fees outlined above as consensus items. These enforcement actions would strengthen the existing minimum housing code by addressing concerns that the public and Council have expressed regarding the current length of time to resolve housing code cases and the lack of substantial penalties for owners who delay bringing their properties into compliance.

When adopted and implemented these ordinance changes will encourage owners to resolve housing code violation cases at a faster pace. Owners would need to request time extensions in writing to the Director of Planning and Community Development with back up documentation. Furthermore the proposed changes limit the number of extensions that can be granted. Issues which cannot be resolved within the cure period or approved extensions would be forwarded to the Minimum Housing Standards Commission process to determine whether the owner had abandoned the intent to repair the property or if additional extensions of time could achieve resolution. Steps in the housing code enforcement process which would be covered by the current ordinance and the proposed amendments are detailed on a flowchart in Attachment 2.

PCD staff anticipates that implementation of these ordinance changes can be achieved through current staffing and minor changes to our inspection and billing software. We will monitor how an increased volume in Minimum Housing Standard Commission cases impacts City Legal or PCD staff workloads and the Commission’s ability to hear an increased caseload.

RECOMMENDATIONS FOR DELAYED IMPLEMENTATION

Staff recommends two additional provisions contained in the draft ordinance for City Council adoption, with a delayed implementation period of nine months to address software changes, operational policies and potential staffing needs. These include actions which are triggered by

Rental Dwelling Unit Ordinance Amendment - Staff Proposal

an owner or property crossing a threshold of “more than 2 verified violations within a 12 month period.”

Recommendation 3: Authorize Inspections of Additional Property when a Property Owner has two or more verified violations.

This recommendation establishes a more pro-active approach to be implemented where owners have demonstrated a pattern and practice of failing to maintain property in a safe and habitable condition. An owner with more than 2 verified violations within a 12 month period may become subject to minimum housing code inspections of any other rental dwelling units under the same ownership. PCD staff sees this option as key to the goal of pro-actively addressing substandard housing, while targeting enforcement resources where most needed.

The draft ordinance defines the threshold which triggers the option to inspect additional properties in an owner’s portfolio of rental properties. City operational policy will be developed to determine how to most effectively target the enforcement efforts where most needed and how to fairly apply the policy.

PCD staff anticipates that implementation of this recommendation could have a short term impact on staff workloads if inspection actions are initiated on an owner’s portfolio of rental properties. PCD staff recommends that any staffing needs should be evaluated as part of the review of recommendations contained in the *2012 Code Compliance Benchmark Study* conducted by the Budget Department. There will be minor changes required to the inspection software program to track ownership. There may also be some additional legal costs to cover a higher volume and faster turnaround time for property owner verifications.

Recommendation 4: Establish a Rental Registration Program for Properties with Two or More Verified Violations.

This recommendation provides a source of consumer information for tenants as well as a financial penalty for owners of non-compliant property. Under this option, a residential rental property with more than 2 verified violations within a 12 month period may become subject to a rental property registration program. The City may levy a fee for property registration in an amount that covers the cost of operating the registration program.

The draft ordinance defines the threshold which triggers inclusion in a property registration program. City operational policy will be developed to determine the parameters of the registration program and how to make information on registered properties available to the public.

PCD staff anticipates that implementation of the second provision, creation of a registration program for substandard properties, would require up to nine months to make software changes and develop policy guidelines. It could require hiring one additional staff member for data tracking and reporting.

Rental Dwelling Unit Ordinance Amendment - Staff Proposal

ADDITIONAL RECOMMENDATIONS

Recommendation 5: Expand the Public Discussion

To date, the discussion on this proposed ordinance has been limited to a group of stakeholders. Planning and Community Development staff recommends that, after City Council has had a briefing session to discuss the new options under state law and concerns of stakeholders, a wider public process is conducted to incorporate feedback from residents, property owners and other interested parties.

Recommendation 6: Education: tenant, landlord, neighborhoods, Minimum Housing Standards Commission

The issues involved with maintaining a housing stock that is safe, in good condition and healthy go beyond the enforcement of city ordinances. Regardless of what changes the Council may choose, staff is committed to working with our partner organizations and stakeholders to develop a multi-tiered education effort. This effort will include outreach and education to first time landlords, ongoing property management and owner education and tenant education. This effort will build upon existing resources such as the Human Relations Commission's Tenant/Landlord Dispute Program and the resources accessed by the Greensboro Housing Coalition's Kresge grant. This effort will also include outreach to neighborhoods.

Staff will revise the operations manual and procedures for inspectors to clearly reflect any changes enacted in order to give more consistency to both sides of the compliance process. Additional training and guidance will also be provided to the Minimum Housing Standards Commissioners to strengthen their review process.

PROPOSED TIMELINE TO IMPLEMENT RECOMMENDATIONS:

- **February 14, 2013** City Council briefing to review recommendations
- **March 5, 2013** City Council adoption of Cure Period and Re-inspection fee amendments; possible creation of City Council Subcommittee to guide and direct future follow-up on this item
- **February - March 2013** Public Discussions
- **April 2013** City Council follow-up work session and approval of additional amendments
- **June 2013** Draft education plan completed
- **September 2013** Operational Policy and Procedure Manual update due
- **January 1, 2014** Begin enforcement of delayed implementation elements

Rental Dwelling Unit Ordinance Amendment - Staff Proposal

Attachments:

1. Draft Ordinance Amendment
2. Flowchart of Enforcement Process
3. Matrix of Post-RUCO Committee Agreement and Non-Agreement Items
4. List of Post-RUCO Committee Participants
5. NC General Statute 160A-424

Rental Dwelling Unit Ordinance Amendment - Staff Proposal

Attachment 1: Draft Ordinance Amendment

RUCO Ordinance Draft December 20, 2012

Greensboro City Code Sec. 11-40. Periodic Inspections of Residential Rental Dwelling Units

- (a) The inspection department may make periodic inspections, subject to the council's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in residential rental buildings and/ or rental dwelling units within its territorial jurisdiction. The inspection department may make periodic inspections of residential buildings and dwelling units only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in residential rental buildings or dwelling units. For purposes of this section, the term "reasonable cause" means any of the following: (i) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected; (ii) the inspection department has actual knowledge of an unsafe condition within the building; (iii) violations of the local ordinances or codes are visible from the outside of the property; and (iv) the owner has a history of more than two uncured verified violations of the housing ordinances or codes within a 12 month period. Owners with rental dwelling units and residential rental buildings found to be in violation of the housing code shall be given the opportunity to cure the violation. Owners of dwelling units in which all of the violations are cured within the time frame stated in the violation notice shall not be deemed to have an uncured verified violation for purposes of this ordinance; however, where all of the violations are not cured within the time frame stated in the violation notice, the owner is deemed to have an uncured verified violation. (e.g., a property with six violations and the owner cures all six (6) within the time given by the inspector does not become an uncured verified violation, whereas a property with six (6) violations and the owner only cures five(5), within the time frame given by the inspector , becomes an uncured verified violation). Requests for additional time for repairing violations may be granted by the City during the time frame for making all of the repairs stated in the original violation notice if a written request stating the reasons for the requested extension, including any appropriate written documentation supporting the request , is made to the Director of the Department of Planning and Community Development or his/her designee and is approved Nothing in this section shall be construed to

Rental Dwelling Unit Ordinance Amendment - Staff Proposal

Attachment 1: Draft Ordinance Amendment

prohibit periodic inspections in accordance with State fire prevention code or as otherwise required by State law.

(b) The City of Greensboro may levy a fee for residential rental property registration under this section for those rental dwelling units which have been found with more than two uncured verified violations of local ordinances within the previous 12 months. The fee shall be set by the Director of Planning and Community Development in an amount that covers the cost of operating a residential registration program and shall not be used to supplant revenue in other areas.

(c) The City of Greensboro shall not charge a fee authorized by Section 11-42 of the Greensboro Code of Ordinances for any initial inspection of a dwelling unit or for any re-inspection during the applicable cure period in the enforcement of this ordinance. If the necessary repairs are not made within the applicable cure period, the fees authorized by Section 11-42 shall be charged. However, owners shall not be charged for violations attributed to Tenants Cited in Section 11-9 of this Chapter of the Greensboro Code of Ordinances.

(d) The provisions of this Chapter shall not apply to: (1) transient occupancy in hotel, motel, apartments or similar lodging subject to regulation by the Commission for Public Health or other governmental agency, or (2) rentals less than 30 days

Section 11-42 Penalties for violations of housing code.

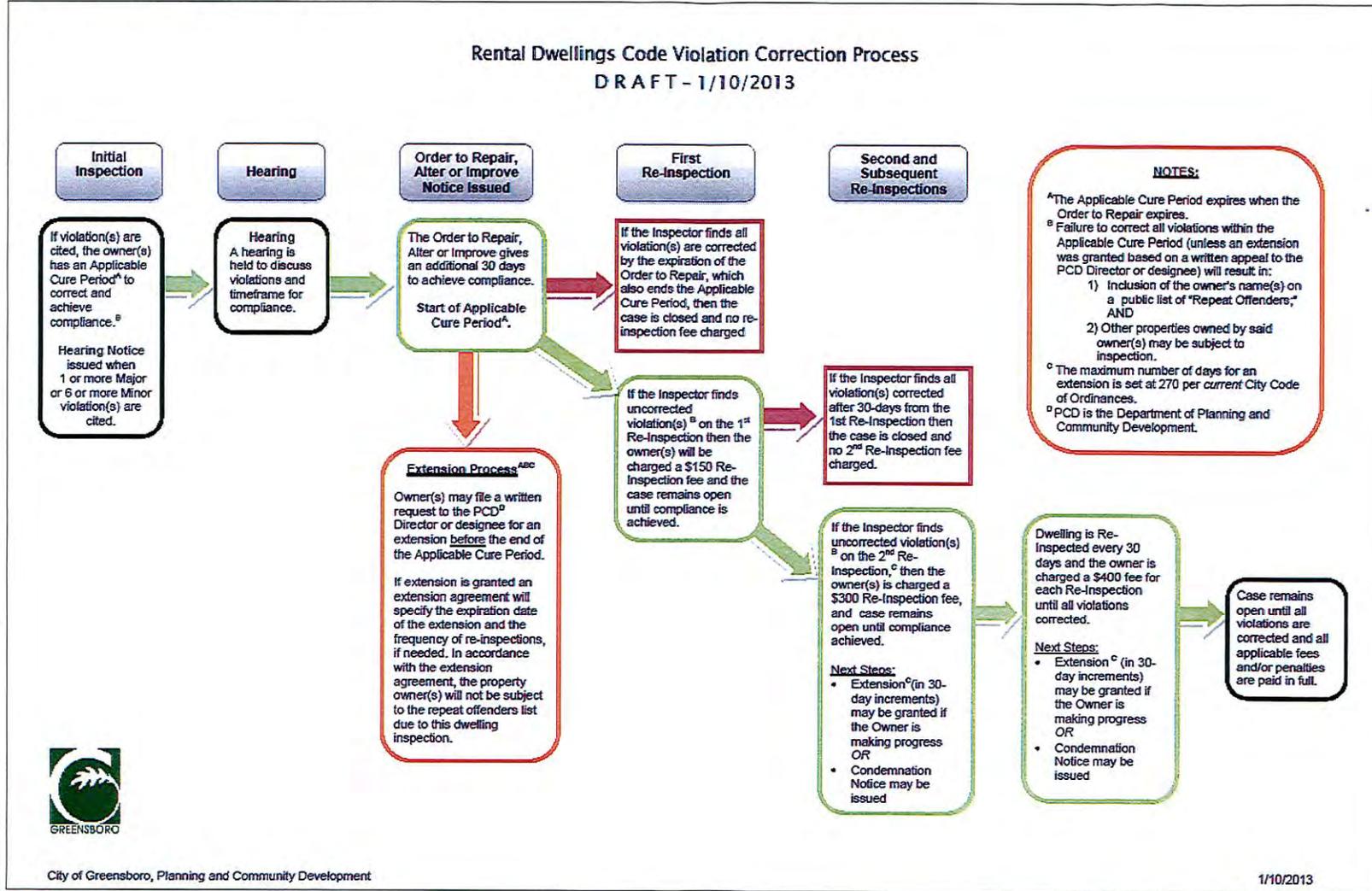
Delete all references to Section 11-40 in paragraphs denoted as (a) and (b). After (b), a new paragraph (c) shall read as follows:

(c) Re-inspection fees required by this Ordinance are charged in accordance with the City's Schedule of Fees and Services established by the Greensboro City Council.

Former lettered paragraph (c) now becomes (d).

Rental Dwelling Unit Ordinance Amendment - Staff Proposal

Attachment 2: Flowchart of Enforcement Process



Rental Dwelling Unit Ordinance Amendment - Staff Proposal

Attachment 3: Matrix of Post-RUCO Committee Agreement and Non-Agreement Items

(Updated from final Committee meeting date to include Staff Recommendations)

Issue	Staff Recommendation	Other Recommendation (1)	Other Recommendation (2)
<p>1 Basic threshold for penalties:</p> <p>There appear to be three issues raised in this point of disagreement.</p> <p>1a. “Delinquent violations of the MHC “ = 1 major violation or more than 5 minor violations that are not corrected within the applicable cure period. (Current MHC code. GS allows “2 verified violations”)</p> <p>1b. Define “major” and “minor” violations in the ordinance or operational policy doc?</p> <p>1c. 1 verified violation = any violation not cured within the applicable cure period</p>	<p>1.a Agree with the definition of 1 major or more than 5 minor violations as the basis for a housing case.</p> <p>1.b Disagree with adding a prescriptive definition to the ordinance.</p> <p>Major and minor are terms called out in Ch. 11-10 of the Code of Ordinances and the related violations are listed in the IPMC (Starting @ Ch. 3). The City follows these in principle and would include them in an operational document, however it is not feasible to create strictly prescriptive lists of violations that can cover all cases. Staff must have some discretion in determining what rises to the level of a life safety issue which becomes a “major violation.”</p> <p>1c. Agree – the draft ordinance defines a violation uncured within</p>	<p>Against - think it should be any violation – even 2 – that are not cured within the cure period. GHC</p> <p>Against - since “major” and “minor” are not defined in writing. TA, (GNC*)</p>	<p>For - HRC, TREBIC, PTAA, Chair, GLA , MHC</p> <p>Are willing to define “major” and “minor” in the ordinance or operational policy doc. HRC, TREBIC, PTAA, Chair, GLA</p>

Rental Dwelling Unit Ordinance Amendment - Staff Proposal

Attachment 3: Matrix of Post-RUCO Committee Agreement and Non-Agreement Items

(Updated from final Committee meeting date to include Staff Recommendations)

Issue	Staff Recommendation	Other Recommendation (1)	Other Recommendation (2)
	the applicable cure period, or extension thereto, to be a verified violation.		
<p>2. Cure Period : 30 days (48 hours for life safety) plus any extensions requested in writing and granted by the city. Also, recommend reduction of 270-day total time to get into the MHC process to 90-days from issuance of order to repair.</p> <p>(Not in NCGS – proposed for Greensboro Ordinance)</p>	<p>In Agreement*</p> <p>Note that the applicable cure period begins after the Hearing at the issuance of a Notice to Repair, not at the issuance of a notice of violations.</p> <p>A 90 day time limit would allow for an additional 60 days of extensions after the initial 30 day cure period.</p>	<p>In Agreement*</p>	<p>In Agreement*</p>

Rental Dwelling Unit Ordinance Amendment - Staff Proposal

Attachment 3: Matrix of Post-RUCO Committee Agreement and Non-Agreement Items

(Updated from final Committee meeting date to include Staff Recommendations)

Issue	Staff Recommendation	Other Recommendation (1)	Other Recommendation (2)
<p>3. Substantial, Rapidly Escalating Re-inspection Fees that match Fire Department Fees (\$150, \$300, \$400) charged when violations are not cured within the applicable cure period, or extension thereto. Must be paid before receiving final letter of compliance. (City may want to revisit collection mechanism to make sure it is effective.)</p> <p>[Not in NCGS – proposed for Greensboro Ordinance. <u>Must be charged on owner occupied and non-residential buildings too, per 160A-424 (c) (iii)</u>]</p>	<p>In Agreement*</p> <p>If there is no valid extension of the applicable cure period and the unit is not in compliance at the time of re-inspection, then re-inspection fees should apply.</p> <p>Staff does not believe that vacancy should be an allowable excuse for extension or exemption from minimum housing code compliance.</p>	<p>In Agreement* - GHC, TA, HRC, (GNC*),</p>	<p>In Agreement*, BUT...</p> <p>Against if there is a registration program - TREBIC, PTAA, Chair, GLA, MHC)</p> <p>Also believe re-inspection fees should not be applied if unit is unoccupied. TREBIC, PTAA, Chair, GLA, MHC</p>

Rental Dwelling Unit Ordinance Amendment - Staff Proposal

Attachment 3: Matrix of Post-RUCO Committee Agreement and Non-Agreement Items

(Updated from final Committee meeting date to include Staff Recommendations)

Issue	Staff Recommendation	Other Recommendation (1)	Other Recommendation (2)
<p>4. Threshold for the city to inspect all other units owned by the same owner - more than 2 verified violations not cured within the applicable cure period, or extension thereto, within 12 months</p> <p>Allowed per 160A-424 (c) (i)</p>	<p>Agree – If an owner incurs more than two verified violations within 12 months and staff believes violations may be more widespread within the owner’s portfolio, then the option to inspect all or a portion of the owners other rental dwelling units may be utilized.</p> <p>This would be a staff intensive action and would likely only be undertaken when there is concern for the quality of the units in a portfolio or property.</p>	<p>For - GHC, TA (GNC*),</p>	<p>Against - Some owners own literally hundreds of units that may not need inspecting because of as few as 1 problem unit. For – threshold of a <i>certain percentage of units</i>, but if violations threaten habitability and safety of other units in the building or complex that those other units should be inspected regardless of percentage. HRC, TREBIC, PTAA, Chair, GLA, MHC.</p>

Rental Dwelling Unit Ordinance Amendment - Staff Proposal

Attachment 3: Matrix of Post-RUCO Committee Agreement and Non-Agreement Items

(Updated from final Committee meeting date to include Staff Recommendations)

Issue	Staff Recommendation	Other Recommendation (1)	Other Recommendation (2)
<p>5. Registration Program for those units found to have more than 2 uncured verified violations within 12 months.</p> <p>Allowed per 160A-424 (d)</p>	<p>Agree</p> <p>Staff believes that a property registration program that requires an owner to obtain a permit or permission from the City to rent could be an effective deterrent.</p> <p>Implementation would require a staff person to manage it, a reporting program developed to track the data, and a period of about a year to become operational.</p>	<p>For – believes the requirement of a registration program will encourage home owners to respond faster in making repairs (they will not want to be in this program) GHC, TA, HRC, (GNC*),</p>	<p>Against – believes high re-inspection fees will be sufficient to encourage owners to bring property into compliance; registration program will not have a deterrent effect but will bog down the system with an ineffective bureaucracy.</p> <p>TREBIC, PTAA, Chair, GLA, MHC</p>
<p>6. Exempt Landlords from any penalties for Tenant-caused Violations (re-inspection fees, registration requirement, inspection of other units owned, etc.)</p>	<p>In Agreement*</p>	<p>In Agreement*</p>	<p>In Agreement*</p>

Rental Dwelling Unit Ordinance Amendment - Staff Proposal

Attachment 3: Matrix of Post-RUCO Committee Agreement and Non-Agreement Items

(Updated from final Committee meeting date to include Staff Recommendations)

Issue	Staff Recommendation	Other Recommendation (1)	Other Recommendation (2)
<p>7. Charge Tenant Re-inspection Fees for their violations unless Landlord also is incurring fees (Landlord not responsible for unpaid tenant fees)</p> <p>(Not in NCGS – proposed for Greensboro Ordinance)</p>	<p>Against - Staff believes that it is impractical to administer fees charged to tenants.</p> <p>Tenant damages are a legal matter between landlord and tenant.</p>	<p>Against - not a practical way to deal with tenant damages.</p> <p>GHC, TA</p>	<p>For - Tenants may be causing the problems that affect neighbors, and it serves as a deterrent for calling in frivolous complaints that are motivated by avoiding rent. Tenants may be causing the problems that affect neighbors, and it serves as a deterrent for calling in frivolous complaints that are motivated by avoiding rent. HRC, TREBIC, PTAA, Chair, GLA, MHC, (GNC*),</p>

GNC = Greensboro Neighborhood Congress

GHC = Greensboro Housing Coalition

TA = Tenant Association

PTAA = Piedmont Triad Apartment Association

GLA = Greensboro Landlords Association

HRC = Human Relations Commission - representative

MHC = Minimum Housing Commission

TREBIC = Triad Real Estate & Building Industry Coalition

* = GNC is not in agreement with any element of the proposal.

Rental Dwelling Unit Ordinance Amendment - Staff Proposal

Attachment 4: Post RUCO Committee Members

Post RUCO Committee Members

Chair : Bryon Nelson who was the Chair of the RUCO Board.

- | | |
|---|---------------------------|
| • Greensboro Neighborhood Congress | Michael Pendergraft |
| • Greensboro Landlord Association | Dawn Cheney |
| • TREBIC | Marlene Sanford |
| • Greensboro Housing Coalition | Beth McKee-Huger |
| • Piedmont Triad Apartment Association | Thomas White |
| • Greensboro Minimum Housing Commission | Tim Vincent, Jeff Nimmer* |
| • Greensboro Human Relations Commission | |
| • Montgomery/ Wells Housing Committee | Paul Ksieniewicz |
| • Tenants Association of Greensboro | Audrey Berkowitz |

*The Chairs of the Minimum Housing Commission and Human Relations Commission were asked to appoint a member of their respective commissions to the study committee. Mr. Vincent was the Chair of the Minimum Housing Commission but was unsure of his schedule and appointed himself with Mr. Nimmer to serve as an alternate.

City of Greensboro Staff

- | | |
|--------------------------|--|
| • Sue Schwartz, Director | Planning and Community Development (PCD) |
| • Cynthia Blue | PCD |
| • Lori Loosemore | PCD |
| • Michael Blair | PCD |
| • David Lindsay | Greensboro Fire Department |
| • Brian James | Greensboro Police Department |
| • Robert Nunn | Human Relations Commission |
| • Mike Williams | City Attorney's Office |

Rental Dwelling Unit Ordinance Amendment - Staff Proposal

Attachment 5: NC General Statute 160A-424

§ 160A-424. Periodic inspections.

(a) The inspection department may make periodic inspections, subject to the council's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in buildings or structures within its territorial jurisdiction. Except as provided in subsection (b) of this section, the inspection department may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. For purposes of this section, the term "reasonable cause" means any of the following: (i) the landlord or owner has a history of more than two verified violations of the housing ordinances or codes within a 12-month period; (ii) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected; (iii) the inspection department has actual knowledge of an unsafe condition within the building; or (iv) violations of the local ordinances or codes are visible from the outside of the property. In conducting inspections authorized under this section, the inspection department shall not discriminate between single-family and multifamily buildings. In exercising this power, members of the department shall have a right to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State fire prevention code or as otherwise required by State law.

(b) A city may require periodic inspections as part of a targeted effort within a geographic area that has been designated by the city council. The municipality shall not discriminate in its selection of areas or housing types to be targeted and shall (i) provide notice to all owners and residents of properties in the affected area about the periodic inspections plan and information regarding a public hearing regarding the plan; (ii) hold a public hearing regarding the plan; and (iii) establish a plan to address the ability of low-income residential property owners to comply with minimum housing code standards.

(c) In no event may a city do any of the following: (i) adopt or enforce any ordinance that would require any owner or manager of rental property to obtain any permit or permission from the city to lease or rent residential real property, except for those properties that have more than three verified violations in a 12-month period or upon the property being identified within the top 10% of properties with crime or disorder problems as set forth in a local ordinance; (ii) require that an owner or manager of residential rental property enroll or participate in any governmental program as a condition of obtaining a certificate of occupancy; or (iii) except as provided in subsection (d) of this section, levy a special fee or tax on residential rental property that is not also levied against other commercial and residential properties.

(d) A city may levy a fee for residential rental property registration under subsection (c) of this section for those rental units which have been found with more than two verified violations of local ordinances within the previous 12 months or upon the property being identified within the top 10% of properties with crime or disorder problems as set forth in a local ordinance. The fee shall be an amount that covers the cost of operating a residential registration program and shall not be used to supplant revenue in other areas. Cities using registration programs that

Rental Dwelling Unit Ordinance Amendment - Staff Proposal

Attachment 5: NC General Statute 160A-424

charge registration fees for all residential rental properties as of June 1, 2011, may continue levying a fee on all residential rental properties as follows:

- (1) For properties with 20 or more residential rental units, the fee shall be no more than fifty dollars (\$50.00) per year.
- (2) For properties with fewer than 20 but more than three residential rental units, the fee shall be no more than twenty-five dollars (\$25.00) per year.
- (3) For properties with three or fewer residential rental units, the fee shall be no more than fifteen dollars (\$15.00) per year. (1969, c. 1065, s. 1; 1971, c. 698, s. 1; 2011-281, s. 2.)

**Public Affairs
Contact Center Weekly Report
Week of 1/21/13 – 1/27/13**

Contact Center

3418 calls answered this week

Top 5 calls by area

Water Resources

Balance Inquiry – 607
IVR/Pay by Phone – 176
Bill Extension – 148
New Sign up – 117
Cutoff Requests – 78

Field Operations

Bulk/Recycle Calendar – 64
Bulk Guidelines – 45
E-Waste Collection – 40
EOW Recycling – 39
Repair Can/Garbage – 32

All others

Police/Watch Operations – 214
Courts/Sheriff – 79
Tax Department – 43
GTA – 38
Privilege License – 26

Comments

We received a total of 4 comments this week:

Field Operations - 2 comments:

- Resident wants us to know we have a bunch of great guys working for the city. They give good service and never leave a mess. She says if something is dropped, they always stop and clean it up.
- Great job on streets today. Thank you.

Parks and Recreation – 1 comment:

- I was at the Greensboro Sportsplex today for a volleyball tournament. I was very disappointed with the seating provided or the lack of. We didn't know to bring chairs so therefore had to stand some to watch our team play. And the people that had chairs were so rude and got right next to the bleachers that you couldn't get to them. I would hope in the future if I come back for a sports event that I will see improvement. Thank you for the time that it took you to read this.

Water Resources – 1 comment:

- Get you a professional to make you a website! Yours is a disgrace. It's counterintuitive and rarely works.

Overall

Calls about every other week recycling and calls for the Guilford County Tax Department increased last week. Call volume was busy for the week.



Date	Councilmember	Department / Person Contacted	Subject	Council Notification Date
January 30, 2013	Councilmember Abuzuaiter Councilmember Kee Councilmember Vaughan	City Manager Roth Assistant City Manager Scott	East Greensboro - Bessemer Center	February 1, 2013