

**City of Greensboro  
North Carolina  
Greensboro Minimum Housing  
Commission Meeting**

**SPECIAL SESSION**

**9:00 A.M.**

**SEPTEMBER 22, 2011**

**Commission Members Present:**

Tim Vincent, Chairman  
Angela Harris  
Shermin Ata  
Jeff Nimmer  
Kathleen Sullivan

**Staff Present:**

Wanda Hovander, Inspector	Stefan-Leigh Geary, Historic Preservation
Mike Williams, City Attorney	Cheryl Lily, Local Ordinance
Mary Lynn Anderson, City Attorney's Office	Roddy Covington, Inspector
Don Sheffield, Commercial Demolitions	Ronald Fields, Zoning
Roy McDougal, Inspector	Donald Foster, Inspector
Jennifer Sutphin-Smith, City Attorney's Office	Mike Cowhig, Historic Preservation
Elizabeth Benton, Lead Safe Housing Advisor	
Mildred Powell, Housing Services Administrator	
Lori Loosemore, Inspections Supervisor	
Mike Kirkman, Interim Zoning Administrator	
Sue Schwartz, Director of Planning and Community Development	

**WELCOME AND INTRODUCTIONS:**

Inspector Hovander welcomed everyone to the special session of the Minimum Housing Standards Commission.

Ms. Schwartz and Mr. Kirkman thanked the Commission for their time and effort toward improving the quality of life for the people of Greensboro.

**LOCAL ORDINANCE ENFORCEMENT PROCEDURE:**

Inspector Hovander reviewed the inspection process to show how cases originate and come before the Minimum Housing Standards Commission (MHSC). Her presentation focused on case origin, inspections, major and minor violations, Inspector's notices and orders, and referral to the Minimum Housing Standards Commission.

She explained that cases can originate from complaints, petitions, government agency referral, or probable cause. Commissioners were given copies of the Housing Commission Manual and the 2009 International Property Maintenance Code to provide information on standards used by Inspectors.

Inspector Hovander reviewed in detail the process for serving notice to owners of a property that is not up to Code. She reviewed the process of notification to interested parties, performing a title search, the Inspectors hearing, and the Inspectors order to repair. If work stops or adequate progress is not being made, the Inspector will order the property condemned and vacated. The case is then referred to the Commission.

Ms. Loosemore responded to a question and explained that when an Inspector has probable cause for an inspection and cannot enter the property because it is locked, a certified legal letter is sent if the

owner is not responsive. If the owner fails to contact staff after several weeks, an Administrative Warrant can be secured to enter the property.

Inspector Hovander stated that the MHSC is a “quasi-judicial” board and she reviewed the process to appeal the decision of the Inspector. The MHSC may (1) uphold the Inspector requiring repair or demolition within 90 days, (2) continue the case to a later date based on the circumstances, or (3) reverse the decision of the Inspector.

Counsel Williams stated that decisions of “quasi-judicial” boards are appealed to a court of law and therefore, speakers are sworn-in prior to the proceedings. In addition, only an attorney can represent the owner. A contractor can speak on behalf of the owner but cannot represent the owner. In a “quasi-judicial” format, hearsay can be accepted and considered but cannot be the sole basis of the decision.

### **HOUSING COMMISSION PROCEDURES AND LEGAL ISSUES:**

Inspector Hovander reviewed the procedures and format of MHSC meetings.

Responding to a question about realtors and property managers, Counsel Williams stated that an attorney is the only person who can speak as an agent of the owner. Realtors and property managers cannot represent an owner; however, they can speak on their knowledge of the property.

There was a discussion regarding the number of members required to pass a motion. Counsel Williams clarified that four voting members are required for a quorum and a majority of those voting must agree for a motion to pass. A passing order for demolition is recorded at the Register of Deeds.

The action taken by the Commission is final unless appealed within 15 days by the aggrieved upon person. After a petition has been made for a writ of certiorari, the order of the Inspector will be suspended until the matter has been finally determined.

### **FOLLOW THROUGH:**

If an owner repairs or demolishes a property within the allotted 90-day period, the order is rescinded and a cancellation of the order is recorded at the Register of Deeds.

Inspector Hovander reviewed the City’s process if property is demolished by the City. A Bond and Contract Policy does exist to provide an extension in lieu of demolition. The owner may be granted six months if they put up a bond to the City in the amount of the demolition. A signed contract with a licensed general contractor must also be provided along with a description of the scope of work.

### **OTHER PLANNING AND COMMUNITY DEVELOPMENT DIVISIONS:**

Ms. Geary gave an overview of locally zoned historic districts and National Historic districts as they relate to minimum housing standards. Locally zoned historic districts require a Certificate of Appropriateness (COA) to make changes to the exterior of the building and site. When working with federal funds, Historic Preservation staff works with Minimum Housing to review properties in accordance with the City’s Lead Safe Housing Program. They strive to protect the historic fabric of the National Historic district property when lead is abated.

Ms. Geary stated that Prevention of Demolition by Neglect has been a successful tool in projects with absent landlords. In addition, she explained that the Historic Preservation Commission has the ability to delay demolition for up to 365 days for historic properties but cannot deny the application.

Ms. Geary indicated that tax credits are available from the State Historic Preservation office and the federal government for National Register historic district properties and national individually listed

properties. A tax credit of 20 percent is available for income producing properties at the federal level and 20 percent at the state level, resulting in a combined potential of 40 percent tax credit. The State also offers a 30 percent tax credit for owner-occupied properties. Projects must be restored in accordance with Secretary of the Interior Standards for Rehabilitation to receive the tax credits.

Ms. Powell reviewed and described the process for rehabilitation and loan programs available to homeowners. The purpose of rehabilitation programs is to provide housing and rehabilitation services to residents in need and to protect the quality of the housing stock in neighborhoods. Need is defined as income less than 80 percent of the area median income.

- The City-wide rehabilitation program is used for substantial rehabilitation for owner-occupied homes. A maximum amount of \$50,000 is used to rehab these properties.
- The Facilities for the Physically Disabled program allows a maximum amount of \$5,000 to be used for rehab in owner-occupied properties. Ms. Powell described circumstances relating to the pay-back of loans used to facilitate these programs.
- An Emergency Repair Program is also available but must be used in conjunction with the Lead Safe Housing Program. This amount is a grant to the homeowner in an amount up to \$7,500. This money is used when issues exist around a rental property relating to the health and safety of the occupant. These structural issues must be addressed before lead abatement can begin.
- The Lead Safe Housing Program is in its fourth grant. The City has been awarded \$3.1 million over the next three years to address the issues of lead hazards in homes built prior to 1978.
- The Home Energy Loan Pool (HELP) program is funded through the North Carolina Housing Finance Agency. These funds come from Duke Energy and are the only non-federal funds used in City rehabilitation programs.
- The Rental Housing Improvement Program is designed to assist owners in the upfit of rental properties. Owners are required to try and rent the property to low-to-moderate income tenants for the first three years.

**ADJOURN:**

There being no further business before the Commission the meeting was adjourned at 11:38 a.m.

Respectfully submitted,

Tim Vincent, Chairman  
Greensboro Minimum Housing Commission  
TV:sm/jd