

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
HELD A COUNCIL WORK SESSION IN THE THIRD FLOOR ASSEMBLY
ROOM OF THE CITY/COUNTY BUILDING ON MONDAY, MARCH 7, 2016 AT
6:30 P.M.**

Mr. McLaughlin called the work session of the New Albany City Council to order at 6:31 p.m.

PRESENT: Council Members, Mr. Coffey, Mr. Caesar, Mr. Phipps, Mr. Nash, Mr. Blair, Mr. Aebersold, Mr. Barksdale and Dr. Knable and Mr. McLaughlin, president

OTHERS PRESENT: Mr. Lorch , Ms. Milburn, Mr. Hall, Mr. Duggins, Mr. Gibson, Mr. Brewer, Chief Juliot, Chief Bailey, Mrs. Moeller, Mr. Nash, Major Pop

Mr. Gibson made a presentation regarding the rental housing code. He discussed the percentage of owner-occupied housing units vs. renter-occupied house units as report by census data from 2000 and 2010 and explained that renter-occupied units have risen almost three percent in that time.

Mr. Coffey asked if it included the housing authority

Mr. Gibson stated that these are the numbers from the census so he is not sure if it is included.

Mr. Caesar asked if the trend is continuing to increase over the last six years.

Mr. Gibson stated that this is the most recent official document but he is sure there are some areas of town it may be higher in either area. He presented photos of rental properties that examples many of the issues that they have and problems that they deal with on a day-to-day basis. He stated that they think this ordinance will be able to help resolved these issues and help both the landlord and the renter.

Mr. Blair asked how many of these photos would be resolved through the rental ordinance and how many could be resolved through what is currently on the books.

Mr. Gibson stated that the fire safety is one that is up in the air because everyone can potentially have a fire, but if there are complaints of a non-working fire alarm this ordinance would allow them to get into residence to resolve the issues. He explained that the bigger areas that are addressed are the code violations and Mr. Brewer can explain to them how many hours his office spends trying to research owners when there are the types of issues that they see in the photos. He stated that many times the landlords do not know about these problems and this registration will help with relaying that information.

Mr. Aebersold asked if they have a lot of landlord information from what they have in place now.

Mr. Gibson replied no and explained that a lot of times these properties are held by corporations to limit liability so they spend a lot of time tracking down the owner.

Mr. Coffey stated he doesn't think too many people have a problem with the registration aspect but they keep introducing ordinance after ordinance and it gets bigger each time. He stated that the question is how is creating another ordinance going to make a difference. He stated that they have what they need now on the books it just needs to be utilized. He explained that he worries about the landlords and asked if they would have

something to protect the property owners in this new ordinance because they are getting left out to dry.

Mr. Gibson stated that their contracts should protect them to some degree. He explained that there isn't an easy answer on how to help the property owners to avoid bad tenants.

Mr. Coffey stated that they are going to spend their resources on this ordinance they should also put resources into a fund that these property owners can use to take care of some of the issues they have with tenants.

Mr. Gibson stated that the proposed ordinance follows state statute and explained that it isn't adding any extra burden on to the property owners.

Mr. Coffey asked if this was different than the one that was introduced last year by Mr. Zurschmiede.

Mr. Gibson explained that the biggest difference is that previous ordinance dealt more with the actual construction codes and standards where the current one deals more with registration.

Mr. Coffey stated that he feels like this was put together very quickly.

Mr. Gibson stated that they are free to make amendments. He explained that this is what the consensus was when they met with the committee and that is why they are here. He stated that it was written to be complaint driven and follows state statute regarding inspections.

Mr. Coffey asked how it is different than what is currently on the books.

Mr. Gibson explained that the biggest addition is the registration and it codifies so everyone knows where they are going to when it comes to rental properties. He stated that it offers a process for an appeal and due process by the courts if that doesn't resolve it. He stated that there are ordinances on the books but they are from 1969 and may not be applicable any longer so he doesn't feel comfortable with them.

Mr. Aebersold asked about the definition of a unit.

Mr. Gibson stated that it deals with the property footprint and one property is considered one unit.

Chief Bailey stated that the positive point of this ordinance is the registration. He explained that often times they come upon a property where the victim of a crime is the landlord and it is urgent for them to get ahold of property owner, but sometimes these properties are in the name of a trust or an attorney and it makes it hard to find the owner.

Chief Juliot explained that they inspect businesses every day and new constructions or change of occupancy and with the rental business, it is a way to have a communication with the owner and an open communication with the landlords. He explained that the rental units are a business and they have people move in and out on a whim who may do property damage and that includes smoke detectors and they have no way of knowing if they are put back in properly. He stated that this would protect the renters to make sure the rental properties are up to code.

David Brewer stated that there are serious ramifications when houses are allowed to continue to deteriorate and there is a disconnect between what is on paper and the reality

of what they are trying to get done. He explained that they are trying to protect the structures, the landlords, and the tenants. He asked for the council's support and that they be mindful that this ordinance puts them in a position to be able to open the lines of communications. He stated that the first opportunity to contact someone shouldn't be through a violation notice that they may or may not get. He explained that being able to get a hold of the property owners is key so that they aren't spending a majority of their time looking for information but addressing the real issues. He stated that the inspection process adds another layer of mediation so that they don't have to send someone that is noncompliant directly to court and it also adds some accountability to his department.

Mr. Phipps stated that if he is hearing Mr. Brewer right they will have to take the individuals to court and that will end up costing the city more and the landlord.

Mr. Brewer stated that this would give them a mediation from a civil standpoint.

Mr. Phipps stated that it is complaint driven so they don't have to worry about someone coming in every year doing an inspection unless there is a problem.

Mr. Brewer stated that he is having a hard time getting the public to understand that.

Dr. Knable explained that the mayor's statement on the website did make note of an annual inspection.

Mr. Gibson stated that the wording is "may" and it is controlled by state statute, which says complaint driven and reasonable suspicion.

Dr. Knable stated that he thinks that needs to be clarified.

Mr. Nash stated that it is under the heading of complaint driven.

Dr. Knable stated that the current code states that the building commissioner's office will get the owners information from the county auditor and asked how many times they go down there and are unable to do that in a clear and orderly fashion.

Mr. Brewer stated that they work well with the auditor's office but the problem lies in the information that is given by the property owners and he can show them a stack of envelopes in the office right now that are "return to sender."

Dr. Knable asked how many complaints are they getting a month and what percentage of those are already complaint driven by the tenant or neighbor vs. reasonable suspicion.

Mr. Brewer stated that he doesn't have those numbers in front of him and has to guess but he will get that information to the council.

Dr. Knable asked if he could get that information before the next vote.

Mr. Brewer replied yes.

Dr. Knable asked about anonymity of the complaint and if the property owner has the right to see that.

Mr. Brewer stated that they get tenants that call in all the time that have been having a problem for months and never contacted the city.

Dr. Knable stated that he would like for the landlords to know who the complaint is coming from if they are going to put a process in place.

Dr. Knable asked what percentage of his runs are rental properties vs. owner occupied.

Mr. Brewer stated that he would be happy to get that information to him but doesn't have it in front of him tonight.

Dr. Knable stated that he would like to have those numbers before the next meeting as well. He asked if they move forward with this and 5 years down the road the city isn't any cleaner to the casual observer, how much of his time will be freed up to make sure it isn't a waste of his time. He explained that he wants to make sure this is going to be used in the way it is intended and they need to know what resources he needs to make this successful.

Mr. Brewer stated that they obviously want a cleaner city and it has been moving towards that but they are at a point where they have to ask where do they go from here. He explained that right now most people will never know what they deal with because they haven't had any issues and the city did their job.

ADJOURN:

There being no further business before the board, the meeting adjourned at 7:05: p.m.

Pat McLaughlin, President

Mindy Milburn, Deputy City Clerk