



CITY OF DURHAM

To: Thomas J. Bonfield, City Manager

Through: Keith Chadwell, Deputy City Manager

From: Constance Stancil, Neighborhood Improvement Services Director

Date: August 2, 2016

Re: Modification of City of Durham's Housing Code

EXECUTIVE SUMMARY

As part of Neighborhood Improvement Services' efforts to ensure that Durham residents have access to safe, sanitary and decent housing, and to create a safe and aesthetically pleasing physical environment, Neighborhood Improvement Services continues to examine ways to enhance the enforcement of the City of Durham's quality of life ordinances. Neighborhood Improvement Services proposes code modifications and amendments for Council's consideration and approval of Chapter 10, Article VI, Housing Code.

RECOMMENDATION

The Neighborhood Improvement Services Department recommends that the City Council:

- Conduct a public hearing to hear public comments on the below proposed revisions to the Housing Code; and
- Adopt an ordinance amending certain provisions of Article VI, Chp. 10 of the Durham City Code captioned as "Housing Code."

BACKGROUND

The Department of Neighborhood Improvement Services (NIS) through its Code Enforcement division is responsible for the enforcement of the City's Housing Code, Removal of Trash and Undergrowth from Property ordinance; and Removal and Disposition of Abandoned and Hazardous Vehicles and Junk Motor Vehicles ordinance. These codes and ordinances set and govern safety and sanitation standards for structures and environmental spaces, as well as promote safety and livability.

NIS reviewed the codes, related ordinances and state statutes from the perspective of: 1) alignment with NC State statutes; 2) effectiveness of codes and ordinances in responding to current conditions and resident feedback, and 3) efficient and effective practical enforcement administration.

Below is a summary of proposed modifications and amendments to the Housing Code:

Chapter 10, Article VI, Housing Code

The following is a summary of modifications proposed to the Housing Code.

- Text modification for strengthening and clarification of standards and civil penalties, and alignment with N.C. state statutes. Key sections include:
 - Roof free of vegetation
 - Guard rail requirements
 - Premises Identification—visible placement of structure address
 - Plumbing and piping
 - Smoke detectors and CO alarms
- Additions to the Code based on a Healthy Homes comparative analysis
 - Closet or storage space
 - Foundation drainage, crawlspaces and dwellings to be free of excessive moisture conditions
 - Ground-fault circuit interruption (GFCI) - outdoor outlets/electrical devices
 - Cleanable nonabsorbent water-resistant material in bathrooms
- Improvement of safety requirements
 - Electrical
 - Safety relating to hoarding
 - Guard rail requirements
 - Smoke detector and CO alarm
- Direct citation of boarding and property securing regulation
- Expand City Manager authority to reduce or cancel liens resulting from the enforcement of the state Unsafe Building law, Nonresidential Code and enforcement of N.C. Gen. Stat. §160A-193

Note* A matrix which specifically details all proposed modifications to the Code is attached. (Attachment A: "Proposed Modifications to Durham Housing Code")

ISSUES/ANALYSIS

The City of Durham's Minimum Housing Code and related ordinances require property owners to maintain all housing units and physical environmental spaces within the City in habitable, safe and sanitary condition. Therefore, the purpose of the code and its ordinances is to improve the quality of housing and to promote safe, decent, and vital neighborhoods for the residents of Durham. However, there are several key issues that affect the effective and efficient administration and enforcement of the codes and ordinances.

Based on documented experience, resident code enforcement service requests, the recent Durham Resident Satisfaction Survey, district PACs and neighborhood groups feedback, and the April, 2016 Community Input/Feedback sessions, we have gathered data and identified key issues of concern for a varied group of stakeholders. Feedback from PACs and neighborhood groups focus on blighting conditions including boarded houses and disrepair of structures as well as environmental issues related to overgrowth and junk and debris. The proposed changes, amendments and modifications

have incorporated the body of code enforcement administration knowledge and NIS' operational experience as well as a focus on process improvement in administrating the enforcement of the codes and ordinances.

Over the past six months guided by the City and department strategic plans, NIS has engaged in research and examining best practices related to code enforcement standards, application and enforcement and engaged in benchmarking and knowledge sharing sessions with many cities across the state including High Point, Charlotte, Raleigh and others.

Additionally, NIS partnered with the National Center for Healthy Housing (NCHH) to conduct a comparative analysis which benchmarked Durham Housing Code to the National Healthy Housing Standard and the International Property Maintenance Code. Based on the study, the department has added or modified five sections of the Housing Code.

NIS gave priority to feedback we regularly receive in many ways from residents, property owners, landlords, housing/community advocates, and property management organizations and looked critically at internal processes and approaches using a forced-field analysis method to understand the current and desired future state of code enforcement administration in the City of Durham.

The highlights of the department's thorough process reflected the need for the department to give priority to: strengthening and clarification of code standards; process improvement and efficiency; interior and exterior safety; sanitary and habitable housing; blighting neighborhood conditions of boarded structures, as well as weedy lots/high grass, junk and debris. The department has responded to these priorities in recommended modifications and amendments of Housing Code.

ALTERNATIVE

The City Council may decide not to adopt the recommended amendments, adopt alternative recommendations or refer back to the City Manager for further consideration and study. If the City Council decides not to adopt the modifications and amendments, the existing codes and ordinances remain applicable and enforced.

FINANCIAL IMPACT

There are no fiscal impacts to the City as a result of modifying the City of Durham's Housing Code and its related ordinances.

EOEA SUMMARY

This item does not require review by the Equal Opportunity/Equity Assurance Department.

ATTACHMENTS:

- Ordinance Amending Housing Code
- Attachment A_Housing Code Matrix of Proposed Modifications