

AGENDA

Ad Hoc on Housing and Resident Safety AGENDA FOR SEPTEMBER 26, 2022 AT 4:00 PM



Lansing City Hall, City Council Conference Room
124 W. Michigan Avenue, 10th Floor

To provide input or ask questions on any item that is listed on the agenda,
members of the public may contact the City Council at city.council@lansingmi.gov or (517) 483-4177 prior to the meeting.

Councilmember Spitzley, Chairperson
Councilmember Wood, Vice Chairperson
Councilmember Brown, Member

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - A. August 26, 2022
 - B. September 9, 2022
4. **Public Comment on Agenda Items (Up to 3 Minutes)**
5. **Discussion/Action:**
 - C. ACTION - Committee Report on Recommendations for Policy Updates/Changes
 - D. ACTION- Fiscal Year 2023/2024 Budget Priorities
6. **Other**
7. **Adjourn**

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TTY 711) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

DRAFT



Minutes
Ad Hoc on Housing and Resident Safety
Friday, August 26, 2022 @ 8:30 a.m.
City Council Conference Room

CALL TO ORDER

Council Member Wood called the meeting to order at 8:30 a.m.

PRESENT

Council Member Spitzley, Chair
Council Member Wood, Vice-Chair
Council Member Brown, Member- excused

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Lisa Hagen, OCA
Mary Bowen, OCA
Eric Gaines, Nation Outside
William Lawrence
Lisa Sadler

MINUTES

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM AUGUST 10, 2022, AS PRESENTED. MOTION CARRIED 2-0.

PUBLIC COMMENT

Mr. Gaines was present to speak on the draft ordinance from earlier meetings.

DISCUSSION/ACTION

DISCUSSION – Recommendations to Council

Council Member Spitzley outlined the document she had drafted for the Committee to consider for the recommendation report back to Council. Some items were broken out by policy recommendation and budget priority. Anything that has to do with operations with the City of Lansing and personnel changes is outside Council role, but Council can provide recommendations to the mayor and work with him on those. If the Committee concurred, they could pull out budget priorities, and report to Council at the first meeting in September. The Committee can approve the report on September 9, 2022, and onto Council September 12, 2022. Council Member Wood recommended the Committee speak to a narrative to outline the charge and then secondly based on testimony outline the section who has been present at the meetings and supplied comments. Lastly, based on the comments, the Committee can determine what they believe to be policy issues Council should consider passing for the Mayor to consider for policies. If there are items the Committee has that needs to be addressed until

the end of the year, Council can ask the Committee can work on those or have Council refer topics to other Committees.

The Committee reviewed the report, beginning with Economic Development, and asked Council Member Wood asked if this was a budget priority for more code enforcement officers, or a policy on how they are compiling or create a schedule. Council Member Spitzley noted that Mr. Sanford stated to the Committee that his staff was taken from the streets into court, and so this would address that. Council Member Wood requested statistical information on how many hours a week code officers are in court. Council Member Spitzley stated her intent is to make a priority to get rentals inspected, not hiring but a policy that puts a priority on identify and inspecting rentals. Council Member Wood stated they should provide information on if the fee structure meets the State and if not then the City needs to look at that. Council Member Spitzley asked for a database available for the public on the landlord registry. She then asked Ms. Hagen if there was anything legal should consider, and Ms. Hagen stated they can look at, but there is a program currently that might be tailored to address that. Council Member Spitzley noted she was looking at the "footprint" of the property. Council Member Wood noted one concern might be if the City points out particular, but have a data base that is similar to warrants page; property address, within a period of time, and anyone that had more than 3-5 or you can pick a specific number of safety violations. The renter could be encouraged to look at that database and saw repeat violations (not just red tag), they can they make the independent determination. Ms. Hagen stated she had a concern that an interpretation could be made that the City action would limit the landlord from renting the property. She asked for time to look at how the current litigation plays out. Council Member Spitzley the information is already out there and public, this would just call to a new report, so putting it in a more accessible would be and issue. Ms. Hagen on the housing they could be directed to BSA database. Council Member Wood gave examples of a property search and how the documents are not in the common portal. Ms. Hagen stated Mr. McGrain spoke at the last meeting on an expansion with BSA database on information the public can view. Council Member Wood stated they have been educated that BSA is limited to what the public portal can view. Ms. Hagen stated she would take the question back to OCA to see what they are comfortable with.

The Committee moved onto the topic of HRCS in the draft report. Housing Ombudsman needs to create an educational material to tell renters what a red tag and pink tag means. There needs to be better coordination with Housing Ombudsman and Code Compliance, so this would be a policy recommendation. There should be a policy of a packet of information that can be hung on the door so Code Compliance can hang materials on the doors if they red tag or pink tag a property. Council Member Spitzley asked for the ordinance on the creation of the housing ombudsman, and Council Member Wood stated it was done in a budget presentation which was a job description that was laid out to Council. Regarding education materials, if there cannot be a website, there could be something on the Housing Ombudsman page. Council Member Wood noted there is a concern because rental certificates are not being posted on the property where it should be. Council Member Spitzley noted that the list should be created as a budget priority and include on the website. Regarding vouchers, Council Member Spitzley encouraged a program to incentivize, and if the City cannot do it, but is there something Economic Development Planning can use their funds to incentivize landlords. Council Member Wood stated it would be hard with HUD dollars and not part of the current five-year plan. MSHDA will be at Committee of the Whole on September 12, 2022 to Committee of the Whole and at that time Council could ask if they have funds to help with this. Council Member Spitzley referred to the City program where City employees can apply for and receive funds to live in the City. Council Member Wood noted it is a 3 year plan where if they do not live in it for that period, it has to be paid back. Council Member Spitzley recommended the Housing Ombudsman look into that program.

The Committee spoke on the Human Rights Ordinance currently and what Council can do. The Committee can look at it, but it will not be done by budget priority deadline. Council Member Wood stated that OCA did not believe Fair Chance could not be out in the Human Rights Ordinance. Ms. Hagen stated they concurred it cannot and that is why they draft a Fair Chance ordinance. The Committee determined they will continue discussion to address concerns. Regarding small homes and the Form Based Code and Ms. Hagen stated Ms. Stachowiak addressed that. Item be under City Council was removed.

Council Member Spitzley stated she wanted to continue the discussion on ordinances from other communities on landlord and tenants payments for housing evictions when building concern. Council Member Wood encouraged the Committee ask OCA to work with Rep. Anthony team on what should be changed in the State law to address the OCA interpretation. Ms. Hagen the State does offer emergency relocation for some situations, limited where people are escaping domestic violence, final notice from a public agency. Council Member Wood the question should be asked is how does the City utilize and get people to those funds Ms. Hagen noted. That could be added to the list under HRCS.

Under Law/Court, the Committee spoke on incorporating the Community Court, look at penalties, and Council Member Spitzley noted she is still interested in before the pink tag, but with the notices to approach the landlord to work with them on a step by step with the Court for compliance. If they miss one of the milestones, then something can happen. There should be a way to get on the road for compliance to Community Court, before it gets to a situation. Ms. Hagen stated at some degree it is happening now, where Code writes a ticket, and then when in Court OCA asks them to sign a stipulation order, and if they do not then it runs before the judge and what a court order would say. Not all starts with a pink tag, most code compliance orders in district court start with a ticket. Ms. Hagen continued that in a budget priorities on ticketing in code compliance be more on building safety and living, and reprioritize the violations they are looking for. Council Member Wood noted there are premise officers and code officers, and premise officers are seeing some and to get into a property you need a notice. It has been indicated they are looking at changes come policies, and sometimes accept a letter from the landlord issues were taken care of. If Code can go back out to see the property and the list of items and they then can determine if they are seeing a pattern. Council Member Spitzley questioned if there are multiple letters, how to focus on repeat offenders. Council Member Wood noted there should be a metric set up. Council Member Spitzley noted to Ms. Hagen she would work with OCA on putting together on the report so it can be enforceable and stand up to legal challenges. Council Member Wood under single family rentals, if no code violation you go every 3 years for inspections, but if code violations it is 2 years. This practice was determined to be legal, so that should be considered when looking at ideas to incorporate.

Council Member Wood then asked for research into rentals, because now there are properties that have to be rented before it has to be registered. Once that is determined a letter is sent to the landlord, then they send funds in for the inspection, but that could take some time. Her suggestion is once it is advertised as a rental property, they have to apply then, not once people move it and they find out it does not meet the standards and people are living there. Council Member Spitzley concurred and encouraged an inspection before people move in. Council Member Spitzley recapped a situation where a home was rental, vacant and then sold and the new owner does not register and lets someone move it. There is a step missed, the homes should be inspected first. Council Member Wood pointed out that BSA shows which properties are homestead and which not, so letters should be sent out to all non-homestead stating something that until the City is notified otherwise it will be considered a rental and should be registered. The question for budget priorities or policy, and if there are funds needed to generate those letters. The question could be asked to Assessing for the letters and Code for follow up. Council Member Spitzley referenced the last meeting minutes where Mr. McGrain noted there were 500 letters per year on the rentals they find, and so there is a letter already out there. When a house sells, they have to file homestead form with Assessor. The question the

Committee considered was if a budget priority is needed to have a dedicated staff to find rentals, update data base, generating letters. Council Member Wood recommended adding in funds be dedicated for this role in the budget priority.

Council Member Spitzley stated she would work on a final report including the budget priorities and when presenting it finalize the items. She stated she would reach out to OCA to work on the questions on legal.

Council Member Wood noted that the Council Committee on Public Safety has been looking into the Lansing Housing Commission, and because of the number of units they have, without having any control over those, that the City is making sure the Lansing Housing Commission is held to the same standards. A report was done a few years ago presented to Committee on Public Safety and in the most recent meeting Mr. McGrain noted that their concerns now are with the Lansing Housing Commission single family. Council Member Spitzley was invited to the next Committee on Public Safety on September 1, 2022.

Council Member Spitzley asked about if there is a system set up for inspecting the large complexes. Council Member Wood noted it is done differently each time.

The Committee will focus on the report at the September 9, 2022 meeting.

DISCUSSION – Fiscal Year 2023/2024 Budget Priorities

These items will be addressed in the report above and a further discussion will be held on September 23, 2022.

Adjourn

Adjourned at 9:28 a.m.

Submitted by,

Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee

DRAFT



Minutes
Ad Hoc on Housing and Resident Safety
Friday, September 9, 2022 @ 8:30 a.m.
City Council Conference Room

CALL TO ORDER

Council Member Spitzley called the meeting to order at 8:34 a.m.

PRESENT

Council Member Spitzley, Chair
Council Member Wood, Vice-Chair-excused
Council Member Brown, Member

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Lisa Hagen-Lawrence, OCA
Jim Smiertka, OCA

MINUTES

Council Member Spitzley moved the minutes to the next meeting for all Committee members to be present for action.

PUBLIC COMMENT

No public present.

DISCUSSION/ACTION

ACTION– Committee Report on Recommendations for Policy Updates/Changes

Council Member Spitzley referenced a basic report based on the last meeting comments and discussion. The document included Council Member Wood suggestions. The Committee determined to move the 9/23/2022 meeting to 9/26/2022 at 4 pm for final action by all Committee members.

Mr. Smiertka asked about the earlier inquiry into a draft ordinance based on the City of Jackson tenant and housing safety. Council Member Spitzley stated she understands the limitations of the ordinance, and will work with encouraging the State legislature.

The Committee reviewed the draft and summary of the progress the Committee has made. Included in the report were recommendations for budget priorities as well.

Ms. Boak noted a suggestion from Council Member Wood to include at the end of the report that the report become part of the FY2023/2024 Budget Priorities.

Council Member Brown concurred with the statements in the report and recommendations from Council Member Wood. Council Member Spitzley noted again these are recommendations and she encouraged the Administration to incorporate these into the departments.

DISCUSSION – Fiscal Year 2023/2024 Budget Priorities

It was concurred to add the report to the proposed budget priorities from this Committee.

Adjourn

Adjourned at 8:46 a.m.

Submitted by,

Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee

Report from the Ad Hoc Committee on Housing and Resident Safety

INTRODUCTION

Resolution 2022-010 created the Ad Hoc Committee on Housing and Resident Safety. The resolution directed the Committee to meet with stakeholders, community members and city staff, and to address and assist residents in housing safety and tenant issues. The resolution directed the committee to provide a report of their findings and recommendations by September 1, 2022 and will be dissolved December 31, 2022.

Members of the Ad Hoc Committee on Housing and Resident Safety are:

- Councilmember At-Large Patricia Spitzley, Chair
- Councilmember At-Large Carol Wood, Vice-Chair
- Councilmember At-Large Jeffrey Brown, Member

The first meeting of the Ad Hoc Committee was February 4, 2022. On the onset, the Ad Hoc Committee committed to meeting with as many stakeholders as possible to gather information regarding the housing safety and tenant issues: Those stakeholders included:

- Members of the public
- Greater Lansing Realtors Association
- 517 Can't Wait
- City of Lansing Code Enforcement
- Ingham County Land Bank
- Nation Outside
- Rental Property Owners Association of Mid Michigan
- City of Lansing Housing Ombudsman
- The Honorable Kristen Simmons, Judge 54-A District Court
- The City of Lansing Departments – Economic Development and Planning, Human Resources and Community Services

RECOMMENDATIONS

The following recommendations contained in this report represent recommendations from the Committee based on the beforementioned participants as well as input from the Lansing City Attorney's Office.

The Committee asked the City Attorney's office to review the ordinance adopted by Jackson City Council requiring relocation payments to assist tenants who are forced to leave a red tagged dwelling. Other communities that have adopted such an ordinance were Grand Rapids and Ann Arbor. Based upon the recommendation suggested by the City Attorney and the Committee immediately purposed the adoption of a resolution to encourage the State Legislature to enact Tenant Relocation Assistance Legislation. The resolution was forwarded to the entire City Council for approval and adoption.

Recommendations represent both policy recommendations and budget priorities. These are denoted by an asterisk (**) for Policy Recommendations and a plus (++) for Budget Priorities.

- I. Economic Development and Planning
 - a. Prioritize rental inspections to be completed in a timely manner**
 - b. Prepare a report of red tag statistics annually to Council during budget discussions to determine if there are fees that need to be added or updated in the upcoming budget cycle. ++
 - c. Require that rental properties must have both a rental license and a complete inspection before occupancy. **
 - d. Dedicate resources to searching appropriate databases for non-homestead ownership. ++
 - e. Conduct a study of existing rental fees to ensure they are sufficient and consistent to meet the rigorous needs for safety housing with communities of similar size. ++
 - f. Create a landlord registry either through the BS & A portal or other platform that is publicly accessible that shows housing inspections and the status (i.e. in compliance, red tags, compliance). **
- II. HRCS
 - a. Establish consistent coordination between code enforcement and Housing Ombudsman when homes are pink and/or red tagged **
 - b. Housing Ombudsman update Council annually **
 - c. Through the Housing Ombudsman prepare education materials for renters. ++
 - i. Rights as a renter
 - ii. Know before you sign a lease
 - iii. Eviction Court information
 - iv. Conduct at least two housing fairs in City with MSU Law each year
 - v. Creation of a brochure by the Administration on where tenants can go for assistance if they are forced to relocate due to red tags or violations by the landlord.
 - d. Implement a pilot program to incentivize landlords to accept Section 8 vouchers ++
- III. City Council
 - a. Continue the discussion to address concerns on tenant applications considering criminal backgrounds of incarcerations; to address the request for a “Fair Chance Housing Ordinance” by Nation Outside. **
 - b. Continue to work with Legislature to adopt legislation that either authorizes tenant relocation payments state-wide or authorizes local governments the authority to establish a procedure for tenant relocation payments
- IV. Law/Courts

- a. Amend Chapter 203 Municipal Civil Infraction and Section 297.15 Civil Infractions with the Specialty Court options of Eviction Court and Community Court **
- b. Support the creation of a Community Court with 54-A District Court. ++
- c. Update annually on the statistics of enforcement and penalties for unsafe conditions in homes, per the administrative code of civil infractions. **
- d. Implement policy where Nuisance Actions filed against recalcitrant landlords enabling City Attorney to enter into voluntary compliance agreements. ++

Ordinances

During the first meeting of the Ad Hoc Committee, Chair Spitzley asked the City Attorney to investigate ordinances that would require a landlord to pay for a tenants housing if an when the resident was reg-tagged by the Administration. Chair Spitzley asked the City Attorney to at other communities such as Jackson, Ann Arbor, Grand Rapids who have enacted similar ordinances. Based on the review of said ordinances by the City Attorney issued to the Ad Hoc Committee on Housing a memorandum that outlined three recommendations:

- 1. Draft a resolution to the State Legislature requesting a state statute either authorizing tenant relocation payments or authorizing local governments to establish a procedure for tenant relocation payments. A resolution was drafted and adopted by the City Council.
- 2. Amend the international property maintenance code to specifically tiered red tagging to the general civil infraction penalties contained in the Code of Ordinance or to specifically create a sliding scale of penalties and adjust the civil infraction penalty for properties that are red tagged with corrections for periods of time longer than 90 days.
- 3. For properties that incur multiple red tags per calendar year, change the penalty to a misdemeanor offense. For multi-family locations there would need to be clarification whether the misdemeanor would relate to a per unit penalty or for the property as a whole.

The recommendations and ordinances included in this Committee Report shall be included in the FY2023/2024 Budget Priorities.

This Ad Hoc Committee also recommends continued meeting until December 31, 2022, to work on incorporating portions of tenants' rights recommendations received during the meetings into either the Human Rights Ordinance or as a standalone ordinance.

Ad Hoc on Housing and Resident Safety. Reviews current ordinances and policies, to meet with stakeholders, community members and city staff, and address and assist residents in housing safety and tenant issues.

PROPOSED BUDGET POLICIES FOR FY 2023/2024

BE IT FURTHER RESOLVED, the **Ad Hoc on Housing and Resident Safety** has established the following priorities:

1. Economic Development and Planning
 - a. Prioritize rental inspections to be completed in a timely manner
 - b. Prepare a report of red tag statistics annually to Council during budget discussions to determine if there are fees that need to be added or updated in the upcoming budget cycle.
 - c. Require that rental properties must have both a rental license and a complete inspection before occupancy.
 - d. Dedicate resources to searching appropriate databases for non-homestead ownership.
 - e. Conduct a study of existing rental fees to ensure they are sufficient and consistent to meet the rigorous needs for safety housing with communities of similar size.
 - f. Create a landlord registry either through the BS & A portal or other platform that is publicly accessible that shows housing inspections and the status (i.e. in compliance, red tags, compliance).
2. HRCS
 - a. Establish consistent coordination between code enforcement and Housing Ombudsman when homes are pink and/or red tagged
 - b. Housing Ombudsman update Council annually
 - c. Through the Housing Ombudsman prepare education materials for renters.
 - i. Rights as a renter
 - ii. Know before you sign a lease
 - iii. Eviction Court information
 - iv. Conduct at least two housing fairs in City with MSU Law each year
 - v. Creation of a brochure by the Administration on where tenants can go for assistance if they are forced to relocate due to red tags or violations by the landlord.
 - d. Implement a pilot program to incentivize landlords to accept Section 8 vouchers
3. City Council
 - a. Continue the discussion to address concerns on tenant applications considering criminal backgrounds of incarcerations; to address the request for a "Fair Chance Housing Ordinance" by Nation Outside.
 - b. Continue to work with Legislature to adopt legislation that either authorizes tenant relocation payments state-wide or authorizes local governments the authority to establish a procedure for tenant relocation payments

4. Law/Courts
 - a. Amend Chapter 203 Municipal Civil Infraction and Section 297.15 Civil Infractions with the Specialty Court options of Eviction Court and Community Court
 - b. Support the creation of a Community Court with 54-A District Court.
 - c. Update annually on the statistics of enforcement and penalties for unsafe conditions in homes, per the administrative code of civil infractions.
 - d. Implement policy where Nuisance Actions filed against recalcitrant landlords enabling City Attorney to enter into voluntary compliance agreements.
5. Draft a resolution to the State Legislature requesting a state statute either authorizing tenant relocation payments or authorizing local governments to establish a procedure for tenant relocation payments. A resolution was drafted and adopted by the City Council.
6. Amend the international property maintenance code to specifically tiered red tagging to the general civil infraction penalties contained in the Code of Ordinance or to specifically create a sliding scale of penalties and adjust the civil infraction penalty for properties that are red tagged with corrections for periods of time longer than 90 days.
7. For properties that incur multiple red tags per calendar year, change the penalty to a misdemeanor offense. For multi-family locations there would need to be clarification whether the misdemeanor would relate to a per unit penalty or for the property as a whole.