

AGENDA

Ad Hoc on Housing and Resident Safety AGENDA FOR DECEMBER 9, 2022 AT 8:30 AM



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. November 18, 2022
4. **Public Comment on Agenda Items (Up to 3 Minutes)**
5. **Discussion/Action:**
 - B. DISCUSSION - Administration Update on the Committee Report Policy Recommendations and 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.



Minutes
Ad Hoc on Housing and Resident Safety
Friday, November 18, 2022 @ 8:30 a.m.
City Council Conference Room

CALL TO ORDER

Council Member Spitzley called the meeting to order at 8:35 a.m.

PRESENT

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

OTHERS PRESENT

Renee Richmond, Council Administrative Assistant
Lisa Hagen-Lawrence, OCA
Jim Smiertka, OCA
Barb Kimmel, ED&P
Belinda Fitzpatrick

MINUTES

MOTION BY COUNCIL MEMBER BROWN TO APPROVE THE MINUTES FROM OCTOBER 28, 2022. MOTION CARRIED 2-0.

PUBLIC COMMENT

No public present at the time.

DISCUSSION/ACTION

Presentation – Annual Action Plan FY2020/2021 Amendment for HOME-ARP Allocation
Councilmember Spitzley stated she invited Ms. Kimmel to present for this Committee since she was unable to at the last Council meeting.

Ms. Kimmel began that a special allocation from the Department of Housing and Urban Development (HUD) of just over \$2.7 million. Which can only be used for specific things like HOME-ARP rental housing, tenant based rental assistance vouchers, supportive services for living in housing created through this. Councilmember Brown asked if the supportive services are for residents currently in housing situations or are they not eligible. Ms. Kimmel confirmed unless they moved to one supported by this, they would not have access. She added that they will be non-congregate shelters, Councilmember Spitzley asked her to explain that. Ms. Kimmel explained that congregate is like a dorm and non-congregate is where an individual or family has their own sleeping space and own bathroom, it's a concept out of COVID-19 to mitigate the spread of disease or they identify differently. Ms. Kimmel added that some money is capped at

5%, and administration & planning at 15%, Councilmember Spitzley asked her to please define. Ms. Kimmel clarified that for organizations who are developing this type of housing or provide this type of supportive services, to help them build their capacity. Councilmember Spitzley said she is assuming these are the existing networks like Capital Housing Commission, Advent House, etc., and Ms. Kimmel confirmed and that it could be new ones as well. Ms. Kimmel continued that the activities these funds are used for and qualifying populations are homeless or defined as homeless by McKinney-Vento Act, those fleeing domestic violence and sexual assault, human trafficking, veterans, and family that meet criteria 1-4 on Slide 4. She continued that's why set aside for supportive services these are the most difficult to house and stable housing. Councilmember Brown stated his question is are there provisions for example where group abc is being helped but we need to help abcdef, like Capital Area Housing has 100 people they are working with but 10 are the most in need of additional support, and they get funding and spread it among the 100, then the 10 are only getting 10%. Ms. Kimmel again stated they have to be provided where the physical housing they are in, including employment services, utility assistance, etc. Continuing the purpose is to set up to win and not failure, those that live here are going to be assessed for the services they'll need and they are not sure what that looks like yet. Councilmember Brown thanked Ms. Kimmel and said that is what he was looking for and then asked if this was going to be under HRCS or her, Ms. Kimmel responded she is the Development Manager, so more than likely Brian McGrian. Councilmember Brown stated every department is different does she foresee or talk about collaboration, what is the strategy. Ms. Kimmel indicated they work with HRCS and other funding so not to duplicate or double dip. Councilmember Spitzley commented that issues came from HRCS and that she heard from groups who operate on the thinnest margins and not getting paid timely Jim if you'd like to comment. Mr. Smiertka stated there needs to be performance measures, some under HRCS and the Development Office. Councilmember Spitzley added this is a wonderful pilot and some good can be done, Ms. Kimmel concurred.

Councilmember Spitzley asked if Ms. Kimmel was getting additional staff, she responded no that her and Doris Witherspoon have taken it on and that Ms. Witherspoon is their ESG liaison to HRCS and the Senior Planner. Councilmember Spitzley said with two people doing it, this would be an indication if it succeeds, continuing when budget comes up need to review with HRCS. Ms. Kimmel referenced Slide 5 and the Substantial Amendment and that the public hearing was held at COW on 11/14/2022. Councilmember Spitzley stated she is still upset that Ms. Kimmel was not able to present for the public to hear, and asked Ms. Richmond to please see if Ms. Kimmel and Ms. Witherspoon could come to the COW 12/05/2022 meeting, it's very important for the public to hear all this information.

Ms. Kimmel stated the CoC does an amazing job, always solving problems in front of them. Councilmember Spitzley added this is an opportunity for us to have skin in the game and we don't have enough affordable housing and options to help the homeless. Ms. Kimmel stated she is excited to work on this project.

Ms. Kimmel covered Slide 6 which went over the timeline of Citizen Participation and all has happened already finishing with the Public Hearing on November 14, 2022. She continued with Slide 7 and read the bullet points Priority Needs of increase supply of affordable housing, shelter facilities, homeless prevention assistance, and capacity building/organizational development. She finished with Slide 8 and the budget. Councilmember Spitzley asked what falls under Support Services, Ms. Kimmel indicated case management, utility services etc. Councilmember Brown asked how many the shelters can accommodate, Ms. Kimmel responded for non-congregate probably 8-10 people housed, adding this is a proposed budget and if we need to tweak our goal to maximize number of units we will. Ms. Kimmel mentioned vouchers and Councilmember Spitzley commented that is good but if you give a voucher and landlord doesn't accept it then what, Ms. Kimmel responded Housing Development will accept but they can't be used outside of this program.

Mr. Smiertka stated for the presentation at the next COW meeting list things like who the fiduciary is, who's administering, type of contracts needed and how you're going to integrate others like HRCS. Ms. Kimmel thanked him for the information.

OTHER

Belinda Fitzpatrick stated she believes it is a serious civil rights violation on red tagging her house, it is costing her \$300 a month for both and she legally cannot live in them, she is disabled and code compliance wants to do a complete safety inspection. Councilmember Spitzley asked for the addresses for the record, Ms. Fitzpatrick indicated 224 and 218 S Holmes Street. Ms. Fitzpatrick continued asking about the monitoring fee and curious where that money goes to and said she could get private security companies for less than \$300/month. Councilmember Spitzley said the issue isn't security it is safety, Ms. Fitzpatrick said she is in the middle of repairs and the homes are a mess, she is financial strapped and believes if it's not a structural issue it shouldn't be red tagged. Ms. Hagen-Lawrence said there is a visual inspection done and the house needs to be secure and not open and accessible. Mr. Smiertka said there has to be some type of service by the city and is unsure of the fee, and everyone has a different idea on what constitutes dangerous. Councilmember Spitzley asked Ms. Fitzpatrick if they've asked for an inspection, she replied no, and she does not want them there. She finished that they think it's a severe hoarding issue and animal control and code are working together, and she does not believe any standards were met to throw her out of her home.

Adjourn

Adjourned at 9:28 a.m.

Submitted by,

Renee Richmond, Recording Secretary

Lansing City Council

Approved by the Committee

Report from the Ad Hoc Committee on Housing and Resident Safety as ADOPTED by the Committee & Council on 9/26/2022

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. **(adopted in Budget Priorities Res.2022-246)**
 - 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. **(adopted in Budget Priorities Res. 2022-246)**
 - 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. **(adopted in Budget Priorities Res. 2022-246)**
 - 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. **(adopted in Budget Priorities Res. 2022-246)**
 - 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. **(adopted in Budget Priorities Res. 2022-246)**
- 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. **(adopted in Budget Priorities Res. 2022-246)**
- 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. **(adopted in Budget Priorities Res. 2022-246)**

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.

Andy Schor
Mayor



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Andy Schor, Mayor

OFFICE OF THE MAYOR
CITY OF LANSING, MICHIGAN

November 30, 2022

Hon. Patricia Spitzley
Chair, Ad Hoc Committee on Housing and Resident Safety
Lansing City Council
124 W Michigan Ave. 10th Floor
Lansing, MI 48933

Dear Councilmember Spitzley:

Thank you for your leadership in establishing and leading the Ad Hoc Committee on Housing and Resident Safety. I have had the opportunity to meet with members on my staff to review the Committee's recommendations and I'd like to offer the following items of feedback.

I. ED&P

- a. Full and adequate staffing continues to be a challenge however the Code Compliance Office is at or near full staff capacity and is working on inspecting and certifying units as quickly as possible.
- b. We will be requesting fee adjustments in the next budget. We respectfully request what items should be included in a potential report.
- c. This item is unclear; if the Committee is referring to a renewal of a rental certificate, asking a family to move out if a certificate is not issued before the expiration of an old one is not practical. Many variables exist, both on the part of City and the landlord, that may result in a certificate not being issued until after the expiration of a previous certificate.
- d. This is already done using several tools at staff's disposal. The number reported in the press (several thousand) was inaccurate. The number is around 300.
- e. We are open to the idea of a study of existing rental fees for appropriateness and consistency. We share the expectation that landlords provide safe, and clean housing at reasonable rates.

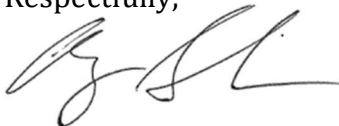
- f. This proposal would require a large outlay of staff time and resources that don't currently exist. It may also require the passage of an ordinance(s) by Council to establish a standard. This may not be practical when one considers that many landlords hold their properties as LLCs, which, by definition, are owned individually.

II. HRCS

- a. Cooperation already exists between HRCS and CODE staff when homes are red or pink tagged, especially in cases of emergency such as, fire or other natural disasters/acts of God.
- b. We would be happy to make the Housing Ombudsman available once a year to present to Council. We also respectfully request that expectations for their report, as well as any questions are provided in advance, so that the conversation can be concise and as productive as possible.
- c. The Housing Ombudsman has created a one-page document with this resource that will soon be published on the City website. We also refer those with housing-related questions to the Tenants and Landlords guide that is published by the Michigan Legislature that contains most of the information you recommended. 54A District Court recently hired an Eviction Diversion Facilitator who is working with both tenants and landlords to try and avoid costly evictions and keep tenants housed and landlords paid. It is my understanding that CAHP, Habitat for Humanity as well as our community-based sheltering partners already do a type of shelter diversion program to avoid the unnecessary overfilling of shelters.
- d. Development staff has indicated that the City can use its ESGCV funds to do an incentive program for landlords to accept more federal housing vouchers. LHC or HRCS staff could potentially help administer this program.

I look forward to Council's consideration of any potential ordinance changes related to housing and resident safety and as always, I am ready and willing to work with anyone who is interested in moving our city forward in a way that is practical, equitable, and sustainable.

Respectfully,



Andy Schor
Mayor

cc: City Council President Adam Hussain
City Council Vice President Carol Wood

