

DRAFT MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
OCTOBER 23, 2008**

The Henderson County Board of Commissioners met for a special called meeting at 7:00 p.m. in the Courtroom/Commissioners' Conference Room of the Historic Courthouse.

Those present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Chuck McGrady, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Public Information Officer Pam Brice, Engineering/Facility Services Director Marcus Jones, Planning Director Anthony Starr, Code Enforcement Director Toby Linville, Soil Erosion and Control Chief Natalie Berry, Associate County Attorney Sarah Zambon, and Research/Budget Analyst Amy Brantley.

Absent was Commissioner Mark Williams who had been called out of town on business.

CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and welcomed those in attendance, stating that the purpose of this meeting was a Public Hearing to receive citizen comments on the draft Minimum Housing Code.

Chairman Moyer explained that partly because one Commissioner was absent, the Board would not be having any Board discussion at this time. No action will be taken until after Commissioner Williams has a chance to review the tape and the literature (hand-outs), etc.

Chairman Moyer stated that he would schedule action on this item for November 19. That should give the Board time to reflect on the comments presented at this meeting and to get answers to any questions they may have.

PUBLIC HEARING – Draft Minimum Housing Code

Commissioner Chuck McGrady made the motion for the Board to go into public hearing. All voted in favor and the motion carried.

Anthony Starr gave an overview of the draft code. The Draft Minimum Housing Code is a recommendation of both the Comprehensive Plan (adopted 2004) and the Strategic Plan (Strategic Plan identifies this as a goal to be developed in the current fiscal year and possibly implemented in the FY 09-10.

What does a minimum housing code do?

- Provides protection for a community from absentee property owners
- Establishes minimum standards a dwelling must meet in order to be fit for human occupancy (habitable)
- Helps to remedy and prevent the decay and deterioration of places where people live
- Protects those who cannot protect themselves
- Ensures that structures are safe, sanitary and fit for occupancy

DATE APPROVED _____

- Makes the owner of a structure responsible for its maintenance

What dwellings does it cover?

- Residential structures
 1. Single and multi-family stick-built
 2. Modular homes
 3. Manufactured homes

What parts of a dwelling are covered?

- lighting
- ventilation
- heating systems
- plumbing
- fire/safety
- mechanical/electrical systems
- maximum occupancy

Condemnation

- No residents are removed from their houses onto the streets overnight
- One individual cannot condemn a dwelling
- Owner/tenant can appeal to the Board of Adjustment

How are violations handled?

Anthony Starr explained that this would be complaint driven. The complaint would generate an inspection and either a violation would be found or not. If no violation is found then the case is closed. If one is found, they issue a notice of violation spelling out what needs to be done to correct it. Either the violation is remedied or they can appeal it for an administrative hearing. After that they can appeal to the Board of Adjustment or on to the court system.

Who would administer it and will it be enforced?

- “complaint driven”
- Zoning officials/building inspectors/other county employees can also report possible violations
- Code Enforcement Services Department would administer the program
- First year cost of about \$67,720 (Personnel, Equipment and Vehicle)

Public Input

Chairman Moyer explained that those who have signed up to speak will be recognized and will be allowed four minutes each to speak to this issue.

1. Patrick Kennedy – Mr. Kennedy represents the Affordable Housing Coalition of Henderson County. The Coalition contains members that represent a diverse cross section of the community; non-profit agencies representing seniors, children, working class citizens, and the impoverished as well as the Board of Realtors, League of Women Voters, United Way, and private individuals, all of whom share a common concern for the availability and the quality of decent safe housing here in Henderson County. The Coalition believes that the current draft of the code does not contain enough detail to adequately ensure decent minimum housing conditions. They have draft what they consider to be the minimum amount of detailed requirements required to adequately

ensure an effective code. (hand-out of 1 page, two sided document) They believe that adding these provisions will improve the draft code.

2. Eben Franz – Mr. Franz serves on the Boards of the Housing Assistance Corporation and the Affordable Housing Coalition. He has been working with disadvantaged families for more than a decade in a variety of areas, one of which is reliable and safe rental houses. He has attended a number of state-wide and federal HUD seminars dealing with this subject. Over time he has become aware of many situations where charges for rental housing for some of our poorer residents has been far above the 30% of income HUD suggests as the maximum a family should have to spend. Many of these rental units have been found to be substandard, even unsafe. Mr. Franz stated that statistics show that children coming from substandard homes have more and worst illnesses, lose more time from school, have poorer grades and get into more trouble than other children. That's one of the reasons we need a fair minimum housing code. He thanked the Board for considering this issue.
3. Katie Sykes – Ms. Sykes works with the Parents as Teachers Program in the Children and Family Resource Center. She makes up to five home visits a day with parents and their birth to three year-old children in Henderson County. She stated that she is in and out of these substandard homes every day. She spoke of some of the conditions she has seen:

In October, 2007 a septic tank exploded. The mother discovered this when she let her special needs 2 year-old outside one morning to play and they both stepped into ankle deep sludge. Mom contacted the landlord and after enduring several weeks of putrid standing water outside her front door she called environmental health at the health department. The landlord finally pumped out the septic tank and installed new covers but warned the residents that if it happened again they would have to pay for it since the system was not that old and shouldn't be experiencing so many problems.

In August 2007, she began visits with a young mom and her then chronically ill 13 month old. They were constantly at the doctor's office for breathing difficulties and ear infections. The doctors treated her with antibiotics but could find no underlying reason for the baby's continual illness. Eventually we discovered there was mold, mildew and fungus growing around one window where it wasn't sealed properly and the same in the long crack running along the floor board beneath the window. The mother said it didn't seem to matter what she did, she couldn't keep that window and the surrounding area clean. When the landlord refused to have the trailer repaired because it was too old and wouldn't be worth the money, the family moved. The baby hasn't had so much as a sniffle since then but she will be in speech therapy for the next several years. The chronic ear infections made it impossible for her to hear at a critical age for learning language sounds.

This January I entered a house and could not even remove my coat or gloves. The temperature inside the house hovered just a little over freezing, partially due to a broken window that the family had attempted to fix with thick cardboard and duct tape. The 2 and 4 year old were huddled together on the bed underneath blankets. The Dad said that the landlord had turned the propane off at the tank and attached a lock. The landlord informed Ms. Sykes that she had just had the propane tank filled at a cost of \$700 and that as soon as the family paid her the full amount, she would remove the lock and turn on the heat. Ms. Sykes suggested a monthly bill based on usage, paying in installments or

even a down payment. The family had about \$300 on hand. She refused and said it had to be all or nothing. During that brutally cold period of snow and ice the family kept warm with blankets and space heaters which are extremely dangerous.

Ms. Sykes stated most of the low income families she serves have no voice in the community. They either don't know who to contact to resolve problems or they fear being evicted and sometimes in response to a complaint or request the landlord raises the rent so high and so suddenly that it might as well be an eviction notice. She spoke on behalf of these families and urged the Board to create and enforce a housing code that protects the most vulnerable members of our community – the children.

4. Steve Kirkland – Mr. Kirkland is executive director of United Way of Henderson County. United Way's mission is to organize and mobilize community resources to improve the quality of life in Henderson County and both the Affordable Housing Coalition and the Minimum Housing Code are two examples of this mission in action. United Way also plays an advocacy role for the betterment of our community. As a member of the Affordable Housing Coalition, United Way is aware of the fact that children and families right here in Henderson County are living in unsafe and unhealthy conditions. The minimum housing code seems to be an appropriate starting point to ensure that the most basic amenities are part of any contract between a landlord and a tenant. Unfortunately what seems to be the right thing to do is not always happening. The provision of adequate plumbing, heating, roofing, floor, etc. will not happen across the board without some means of reporting and when needed intervention. Therefore; United Way of Henderson County respectfully asks that the Board consider and adopt the Minimum Housing Code as one means to advance the common good here in Henderson County.
5. Peter Hanley- Mr. Hanley was present as an individual of the community. He sits on the Affordable Housing Coalition as a representative of the Board of Realtors but wishes to speak about information "from the street". He is a realtor of almost 13 years in the community, a property owner, and a landlord. He spoke in favor of a Minimum Housing Code from all of those aspects.
6. Edward Correy – Mr. Correy is a county social worker stationed at the Council on Aging. He works with seniors 60 years and older who are at risk of institutionalization. He also does deinstitutionalization, gets folks out of institutions that do not belong there. A minimum housing code is absolutely necessary. Recently he was at a consumer's home where there were three children with a disabled mother and a troubled husband. They had very dilapidated living conditions, needs to be burned down. Mr. Correy said "Henderson County has standards, not having a code is a reflection of what folks tolerate and this shouldn't be tolerated because it's just not fit for human habitation and there's a lot of seniors out here living in those conditions."
7. Dixie Blumer – Ms. Blumer represents the League of Women Voters of Henderson County and once again is expressing their concern that the Board has chosen to eliminate so many sections relating to health, safety, and security in the latest proposed draft of the Minimum Housing Code. She referenced a hand-out she distributed and asked that it be included in the record of this hearing. The League urges the Board to reinstate those important sections for the obvious reasons of health, safety and security. Since submitting the League's prior statement, they have acquired some additional information and comments to share for the public record.

In 2003 the City of Hendersonville adopted the International Property Maintenance Code, making only a few minor changes. It has worked well for them for 5 years. When asked if it seems to be too complicated, the answer was no. 99% of the complaints they receive are on rental properties. She raised the question – if the International Property Maintenance Code works well for Hendersonville, why would it not also be satisfactory for Henderson County? It would provide continuity in the two jurisdictions. “Since the beginning of our study of affordable housing, the league has been especially concerned about the condition of rental housing. Buncombe County, Forest City, and there are probably others have a minimum housing code that applies only to rental properties. A strong code that regulates only rental property may better address housing concerns in Henderson County than a very minimum code applicable to both owner and rental property.”

8. Michele Skeele – Ms. Skeele works for the Council on Aging and is a member of the Affordable Housing Coalition Board. The Council on Aging serves the at risk elderly of our community each day. Their mission is to keep clients at home in a healthy environment for as long as possible. Currently nearly a quarter of the population of Henderson County is adults 65 and older and more than half of those are 70 and older. Between 2005 and 2030 older adults age 80 and older will be the fastest growing segment in our county. 8% of the county’s older adults now live below the poverty level, 10% are severely disabled, and 47% live in rural areas. Substandard housing can create a substantial roadblock to the mission at the Council on Aging. To avoid institutional placement and therefore save the taxpayer dollars, elders need adequate heat, running water, and sanitation, sound floors and roofs, walls that keep out the winter wind and glass panes in the windows. Most of us take these things for granted but our caseworkers know that for some of our at risk elderly the lack of these amenities is an everyday reality. A minimum housing code would provide agencies such as the Council on Aging a much needed tool to advocate for the older adults that we care for. Elderly renters would be protected from the danger of homes which are falling apart, older adults who own their own homes may find help more easily for winterizing or needed repairs when money is running short. Older adults are more at risk for illness when the temperatures fall and homes are not sufficiently heated. As they age many elderly find it harder to keep warm. Chances are, these older folks are less likely to advocate for themselves. Many are homebound and unable to stand before the Board this evening. Ms. Skeele urged the Board to begin the process of adopting a minimum housing code. We need to have a standard we can turn to as we work to help the older adults in our community remain well and independent in their homes.
9. Elisha Freman – Ms. Freman represents the United Agenda for Children and the Children and Family Resource Center. A year ago this week the United Agenda for Children hosted a citizen engagement event called “Speak Out For Kids” where a group of nearly 300 local citizens who demographically represented our county across gender, race, age, socioeconomic status, and place of residence in the county came together to talk about critical children’s issues and to develop a set of priorities to focus our community’s effort in ensuring that our children are healthy, safe, and well educated. Henderson County citizens spoke loud and clear at this event that safe affordable housing is among our top priorities. In fact the need for more safe affordable housing was the second highest priority overall. According to their votes, a greater critical need than improving school facilities or teacher pay and more important than drug prevention or increasing mental health services, while these are all very important. A safe home is very important to the overall health and safety of children as well as to their ability to be educated. Substandard housing places people at risk for critical health and safety issues. At the Children and Family

Resource Center she often hears horror stories from parent educators who enter homes of families with very young children and see open holes in the floor, plumbing that doesn't work, septic leaks in yards, infestation by insects, inadequate heating or leaky roofs. These families are struggling financially and do not have other choices and are fearful of becoming homeless if they complain. We as a community should never allow this for any child growing up here. She urged the Board to consider passing a minimum housing code that is specific and includes the important safety requirements as presented and supported by the Affordable Housing Coalition, the League of Women Voters, and Pisgah Legal Services. These inclusions are the middle ground between a code that is too restrictive and one that doesn't even begin to address the need for safe homes, specifically addressing rental property. Our code has to support potential victims and those landlords that are already doing the right thing. Our code needs to require rental properties to provide for reasonable basic living needs, sound structures, plumbing that works, proper heating. Such a code will ensure that the citizens who rent property here in our county are ensured a safe home.

10. Shelley Brown – Ms. Brown is an attorney with Pisgah Legal Services. She lives in Fletcher and practices out of the office on 6th and Blythe in Hendersonville. At a prior meeting she had distributed a letter indicating Pisgah Legal's support of a minimum housing code in greater specificity than what has been drafted for Henderson County. The City of Hendersonville has a minimum housing code. The County of Buncombe has a minimum housing code. She asked "Are we going to allow our housing in Henderson County to be less safe than the housing in the City or in Buncombe County? Do we want to be the place that slumlords can come to and rent out unsafe housing?" The purpose of the code is to just establish a bare minimum level of what is safe. Those are the two key points – minimum and safe. For example, the folks at the Affordable Housing Coalition recommend the inclusion of a provision requiring screens, also a provision that requires grading such that there's not stagnant water. Is that a minimum requirement? Is that a safe requirement – absolutely. If you look to the State Department of Environment they will tell you that stagnant water attracts mosquitos and mosquitos carry West Nile Virus, encephalitis so if you ask our Pediatricians in town is a provision necessary to have screens and grading to avoid stagnant water, is that a minimum requirement for safety, our Pediatricians would tell you absolutely. They also recommend a provision that requires two electrical outlets in each room. Is that a minimum? Is that requirement for safety, again absolutely because if you ask the fire marshal, the leading cause of fires in homes is overloading the electrical system. Ask our fire department whether they would want only one outlet in a room with several extension cords coming out of it and they would say that is a minimum to have two outlets. The minimum housing code dovetails very nicely with the Nuisance Ordinance the Board has already enacted. She has had many cases referred to her from our Code Enforcement Division already. They can go to a site and examine it and perhaps site the landlord for a pile of rubbish that they see outside the mobile home and then they can look in the trailer and see that there's no heat or that there's holes in the floor and they can't do anything about it, their hands are tied. They see an unsafe condition yet there is no way they can enforce anything about that. She encouraged the Board to enact a minimum housing code and untie their hands so that they can deal with the pressing safety issues that they see. Henderson County cannot afford to have unsafe housing. Unsafe housing reduces the Board's ability to attract new residents and new businesses. It increases our health care costs and it decreases the value of existing housing stock. A minimum housing code is necessary for the economic viability of our community but also for the safety of our most vulnerable residents.

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Again, Chairman Moyer stated that there would not be Board discussion due to the fact that one Commissioner was absent. The Board will take into consideration all the comments expressed.

Chairman Moyer asked that the next time the Board discusses this issue that the chart that Anthony Starr prepared regarding costs and how to reduce them be used and expanded. In this environment, the Board would be reluctant to start a new cost when we're cutting back currently.

ADJOURN

Commissioner McGrady made the motion for the Board to go out of Public Hearing and adjourn at approximately 7:43 p.m. All voted in favor and the motion carried.

Attest:

Elizabeth W. Corn, Clerk to the Board

William L. Moyer, Chairman