

GHCA VOV Landlords, Rentals & Regulations Update – November 2012

We collaborated with residents, property managers, and Town departments (Police, Regulatory, and Public Health, etc.), identifying the key issues, and learning about the process.

First one we dealt with was who can I call to ask a question without getting the run around or no answer at all?

We helped to create the **Citizen Resource Line 508-862-4925**. Their success rate is >98%, bringing closure to all calls. If they don't know the answer when you call, they will call you back until it's resolved.

Next we went on to look at the issues that were disruptive and negatively impacting the quality of life for residents and found that problem tenants, illegal rental properties, and criminal activity going unchecked were the top issues. We found many of the problems or issues they faced were around enforcement of existing ordinances, or there were no ordinances to enforce... and that's where we began...

We worked with the Town Legal Staff over many months developing the language and legality of what we were trying to achieve...insuring safer neighborhoods and preserving quality of life in our community.

Existing CH 59– Comprehensive Occupancy - this ordinance defines who is a legal occupant in a residence. The existing ordinance defines it to be: *OCCUPANT — Any person who has attained the age of 22 who has resided in a residential dwelling for any length of time.*”

This ordinance excludes any “occupant” 18 – 22, from the legal count of occupants in the residence. Our proposal is to lower the age to 18 to be more in line with the reality of the renters, who are entering into leases at the age of 18. Lowering the age would help to minimize the potential of having overcrowding in residences of 18 – 22 year olds; especially during the summer.

Existing CH 170 – Rental Code - This ordinance outlines the penalties for non-compliance with existing rental codes. Currently, it reads \$100 for Rental Code Violation. Our proposal is to increase the penalty in this section it be the maximum under MGL of \$300. Increasing the fine to \$300, is consistent with other like penalties.

Special Note: Included in this proposal to the Council is a recommendation from the Town Legal staff to remove the number of vehicle requirements from this ordinance. This is not a request from our Task Force.

Existing CH 133 – Noise Ordinance - Noise is one of the #1 reason the Police are called to address neighbor disputes, but go unresolved due to the crowded courts and violators waiting out the system. The current Noise Ordinance holds only the renter liable for the violation. Our proposal is to add the property owner into the penalty assessment if the property is identified as a having chronic noise problem.

Property owners would be notified, in writing, if the police have been called to a location twice in a 12 month period; with a documented noise violation, informing them their tenants have repeatedly violated the town's Noise Ordinance.

After 3 or more documented violations within a 12 month period, the owner of the property will be assessed the cost to the Town for responding to each subsequent violation of the Town's Noise Ordinance.

By including the property owner in the fines, we have closed the gap where transient tenants "wait out" the fine process, and put the burden on property owners to have accountability for who they rent to.

NEW! CH 54 – Building Property Maintenance - The purpose and intent of this ordinance is to address nuisances, such as deteriorated structures, vacant buildings, extreme overgrowth of vegetation, trash, debris and stagnant pools of water which cause and contribute to blight within neighborhoods and commercial areas, which adversely affect the value of adjacent and surrounding property; and impair the health, safety and general welfare of the inhabitants of the town.

Currently, there is nothing on the books that we can enforce an abandoned or neglected property owner to bring it up to minimal accepted standards. This was modeled after other cities and towns in MA who, like Barnstable, have seen a rise in the amount of foreclosed, abandoned, or neglected properties in recent years. Our proposal is to set the minimum standards for property owners; who abandon their responsibilities for allowing their properties to come into extreme disrepair.

What this ordinance **Is Not**:

It is not intended to be used against law abiding taxpayers, who are trying to make ends meet, and their properties are the best they can manage or afford.

It is not intended to be used for elderly property owners who are struggling to maintain their homes.

It is not intended to address home where toys and other signs of "Life" are happening in their yard.

We are not trying to dictate how high someone's grass should be.

What **It Is**:

It is a tool our enforcement teams can use when properties are intentionally neglected or allowed to deteriorate to the point where they bring down the value and quality of life in our neighborhoods.

Boarded up windows and abandoned properties, invite other activities that further bring down the value of the surrounding homes, who are trying to salvage every penny left on their already declining property values.

Neglected properties prey on our residents who are trying to find affordable housing, it's time we say **NO** to landlords making money off the backs of hard working residents; and not bringing their properties up to a better minimal standard.

NEW! CH 160 – Chronic Problem Properties

The purpose and intent of this chapter is to define a coherent method of addressing the adverse effects on the health, safety, welfare, and quality of life of residents arising from properties where illegal activity occurs on a regular basis; with the result that these properties have become chronic problem properties in the neighborhood, and for the Town.

Currently, there is nothing on the books which allows us to enforce any property owner to take responsibility for the tenants they place in their units. Modeled after the City of Boston, this ordinance would provide a mechanism to charge back the costs the town incurred in repeatedly answering calls to particular problem properties.

Chronic problem properties within the town of Barnstable cause a financial burden by the numerous calls for service to the properties because of the illegal activities that repeatedly occur or exist on such properties.

Example: Fresh Holes neighborhood had over 2,500 calls to that area last year; if we assess \$100 call = that's \$250,000 a year of our Town's resources for that one area.

Our proposal is to hold accountable those who own or control such properties and who allow their properties to be used for illegal activity;

How will it work?

After two documented criminal activity calls within a 12 month period, the Chief of Police would mail a copy of this ordinance and copies of the all-calls report relating to the police responses to the property owner by certified mail.

After the 3rd documented incident within 12 month period, the Chief of Police will notify, in writing, the property owner of his decision to assign police response, which now identifies this as a *Chronic Problem Property*, and they will be assessed the costs it will take to secure the safety and well-being of the residents in this area.

Any unpaid bill for police response, including interest and/or collection costs, shall be added to the real estate tax on the property and collected as part of that tax.

Next Steps for the Task Force

Having these proposed ordinance changes and additions approved, makes Barnstable the leading edge of protecting their residents Quality Of Life, buy saying you can't come here, buy low, rent high, at the expense of its residents.

Understanding that there is already a heavy burden on our judicial system, and many of the existing fines and assessments take a back seat to, and are usually thrown out in, our courts; we propose that the Town of Barnstable instate a **Municipal Hearings Officer**, so we can move these through our local jurisdiction and keep them out of the crowded courthouse.

- Assures adjudication within a reasonable amount of time.
- Allows for an appeal process.
- Puts the town in control of enforcing and collecting the fees for violations.

We will continue to work with the residents on problem properties. We are already building a portfolio of locations that residents have identified and want to address so we can help them take back their neighborhood.

We will monitor and follow up on the ordinances to ensure they are operating as intended, and track the progress of improvement through the villages.

The Voices of The Villages are strong, and we want to do whatever it takes to make Barnstable a great place to live. We have come a long way, and are into the home stretch. While we have received positive feedback and great support from all of the villages, we still need everyone's support and people in the seats when we go before the Council. We are asking all to come and speak on our behalf, or come and sit in the audience. We are looking forward to a successful presentation and vote on **Dec 6th**.

Please extend this invitation to friends, neighbors, and everyone else who has been supporting our efforts in trying to improve the Quality of Life in Hyannis and the Town of Barnstable.

If you have any questions or want more information please contact us at.

- Citizen Resource Line: 508-862-4925
- Greater Hyannis Civic Association:
 - Email – GreatHyannis@aol.com
 - Website: www.hyanniscivic.com
 - Address: PO Box 783, W. Hyannisport MA 02672
- Supporting Our Youth :
 - Email: hysoytaskforce@gmail.com
 - Phone: 508-258-9111