



Richland County Council

DEVELOPMENT AND SERVICES COMMITTEE

May 21, 2020 – 1:00 PM

Zoom Video Conference

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Allison Terracio, Chair; Jim Manning, Calvin Jackson and Chakisse Newton

OTHERS PRESENT: Bill Malinowski, Joyce Dickerson, Michelle Onley, Larry Smith, Clayton Voignier, John Thompson, Ashiya Myers, Leonardo Brown, Angela Weathersby, Stacey Hamm, Kimberly Williams-Roberts, Michael Zaprzalka, and Ashley Powell

1. **CALL TO ORDER** – Ms. Terracio called the meeting to order at approximately 1:00 PM.

2. **APPROVAL OF MINUTES**

a. April 28, 2020 – Ms. Newton moved, seconded by Mr. Jackson, to approve the minutes as submitted.

In Favor: Jackson, Terracio and Newton

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Ms. Newton noted that the full motion is reflected on Item # 4(b). She requested that the full motion made by Ms. Terracio be reflected in the minutes.

Mr. Jackson moved, seconded by Mr. Manning, to adopt the agenda as amended.

In Favor: Jackson, Newton and Terracio

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

a. I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate County ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance [NEWTON and DICKERSON] – Mr. Smith stated, based on the motion that was made, regarding this particular issue, we drafted an ordinance. The ordinance was based on the City of Columbia's ordinance, in order to initiate a conversation about whether or not this is something the County wanted to go forward with. The draft ordinance before you, is designed to require those individuals who own property, and wish to lease it to, based on certain requirements. One of the first requirements is that they must obtain a permit in order to rent their property. They could rent their through a professional management company they obtain to manage their property, but the ordinance, as proposed, would require them to obtain a permit, in order to

rent their unit. We think it would be appropriate for the permit to be obtained through the Business Service Center. In addition, the ordinance proposes the dwelling would have to be appropriate for occupancy, meaning the dwelling needed to be inspected to ensure that it met all the safety codes and requirements. That would be an operational task that would have to be done, in order for the permit to be issued. The unit would have to meet all of the aspects of the Building Code. It would have to be zoned appropriately, and met the zoning requirements. While the unit was being leased, it would have to adhere to all of the County's ordinances. The residents could not engage in any type of activity that would represent a nuisance to the community. Violation of the County's ordinances could result in the revocation of the permit, which would lead to them not being allowed to rent the unit. The other part, we were asked about, was some ramifications of the adoption of the ordinance. Those would come in the form of potentially having to ensure, to the extent that we are regulating these by way of our ordinance, that we apply our regulations consistently, and across the board. If we decided this is the way we are going to interpret a particular part of our ordinance that it is applied to everybody within that class and category, and to ensure that everybody is treated the same as it relates to how we enforce the ordinance. That is always a challenge in any ordinance that we have. The other challenge would be, if a person appeals a determination, we would have to ensure that we had the appropriate mechanism set up, in order for them to properly appeal any determination we made. If we are going to take steps to revoke their permit, to make sure they have due process as part of that.

Ms. Terracio inquired if Chief Cowan has had an opportunity to look over the information.

Chief Cowan responded that he had not, but he will get with Mr. Smith to see what they can do to assist.

Ms. Powell stated this is something that would be enforced by our Building Inspectors.

Mr. Smith stated it was unclear, when they drafted this as to who would do the enforcement. In the model they utilized from the City of Columbia, their Police Department did some level of enforcement. To extent that Ms. Powell as indicated that would be done by the Building Code Enforcement, they will make that change.

Ms. Powell stated they reached out to the City of Columbia to discuss their mechanisms for enforcement and are awaiting some feedback from them. We also welcome any aid from the Sheriff's Department, but as to the ordinance, which specifies the International Property Maintenance Code, that is overseen by our Building Inspectors.

Ms. Newton inquired about how closely is this modeled on the City of Columbia's ordinance. For example, the building inspection. In addition, have we looked at other ordinances, that other municipalities may have and/or are we aware if this is a common type ordinance for municipalities and counties?

Mr. Smith responded this pretty much replicates the ordinance from the City of Columbia. This was a situation where we thought, unless Council felt like there need to be any substantial material changes to it, we would not reinvent the wheel. We would utilize something that was being utilized locally, and give you something to think about and address. He stated he does not know how common ordinances like these are. He would say that would be dependent on how much of an issue counties and municipalities are having with holding the owners of rental property accountable for their units. This is a tool to try to address issues that counties and municipalities have had with people who purchase property, and are not local; therefore, those properties are not very well maintained. Then, the communities and neighborhoods they are in become rundown or the homes around them lose value because the landlord, or the property owner, is not keeping up with their property.

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Ms. Newton stated this is an issue in her area, which was a part of the impetus for the motion. We are finding that people are not necessarily following our ordinances, and you are having issues with blight, garbage, etc. She inquired if there is any additional information Administration would like to share on this, any concerns they may have, or resources they may need to support this. For example, there is a fee provided for business licensing. Is that the kind of fee that is going to cover the process that is outlined here?

Mr. Zaprzalka stated, in reference to when you talk personnel, and adding additional resources. Currently we have the Property Maintenance Team, which is a team of 4 inspectors, 1 administrative assistant, and a supervisor. Without knowing the total number of rental properties, and what areas they are in, we could start out with the staff we have to facilitate. Then, based on the number of rental properties that begin to pop up, or we get better research on what we actually have in the County, broken down by sections. From there, we can make an honest adjustment to have them as a part of the policing of this new ordinance. However, depending on what it will actually entail (i.e. annual inspection, one –time inspection). In turn there is going to be more personnel needed to enforce the ordinance correctly. We reached out to the City of Columbia to see how they enforce it. It falls under the Code Enforcement Team, which falls under their Police Department. The City currently has 12 inspectors.

Ms. Powell stated when we initially reviewed this draft ordinance they had some questions surrounding the practical application of the enforcement, particularly in Items # (i) and (k-m) under the rental permit section, and what that was going to require, in terms of work load. The last numbers she looked at from 2018 indicated approximately 51.8% if the property in the County is owner occupied. She would assume that means we are somewhere around 40% rental units, which would be a large influx of work for those 4 inspectors. Obviously, there is an opportunity to partner with Sheriff's Department to do some of this, and we will address that with Chief Cowan, we have also assessed that there would need to be additional resources needed, in terms of software and tracking, to facilitate some of the language that appears in (k-m), as noted.

Ms. Newton inquired if staff feels like they need to get the additional data before we are able to make an ordinance that is as operational as we would want to move forward with to Council.

Ms. Powell responded it would be prudent for staff to do some additional research, and to hopefully engage in further conversations with the City of Columbia about how they are administering such an ordinance, and to do some additional deep diving into more up-to-date numbers around ownership and rental units in the County to see if the current staff we have would be able to substantiate the workload this ordinance would require. She would hate for us to create a situation where we roll something out and do not have the capacity to enforce it.

Ms. Dickerson stated her area is having a very difficult time with this problem. She would suggest that you hire temporary staff to get it under control, and then go back to the regular staff. She stated it is getting out of hand, and every day that we let this go it gets worse and worse, and she is getting inundated with calls every day. It is contributing to all of the blight that we are having in these areas. We need to find a way to get the staff to take care of this. Otherwise, we are going to look like a garbage can.

Mr. Manning stated since there is going to be a fee associated with this, we need to figure out what the need is going to be in the way of staffing, and that should be calculated into the fee. He does not think the General Fund should find a way to increase personnel that is regulating something that there is a fee associated with. The fee should cover all the costs of operation.

Mr. Malinowski stated, since there is a financial implication, we need to find out what those implications will be. He understands there is the problem, as Ms. Dickerson stated. He inquired if we do not have a blight ordinance that would address this matter.

Mr. Smith responded he does not know that we have a specific blight ordinance. We have a nuisance ordinance, which may be applicable in some situations.

Mr. Malinowski stated, at this point, we have an ordinance that if something is really out of hand, it can be addressed without this particular ordinance being in effect. He stated we have something that can handle it.

Mr. Smith stated we have a general nuisance ordinance. You can have certain conditions on your property that present a nuisance, but we do not have an ordinance that is specific to rental property, which this particular ordinance is designed and intended to address.

Mr. Malinowski stated he thinks that if there is such a terrible nuisance, whether it is a rental property or not, would it not be covered initially.

Mr. Smith responded that depends on the condition of the property and what is going on with the property, at the time. You could have a condition on the property, which could be visible and could constitute a nuisance. There are some things and conditions on a property that are not visible which would require inspection.

Mr. Malinowski inquired if we are going to open this up for input from the stakeholders (i.e. business or building community).

Ms. Terracio responded this item would get a public hearing. She inquired if Mr. Malinowski was talking above and beyond that.

Mr. Malinowski responded he meant prior to that point and while we are creating the ordinance, so when we get to the public hearing we have it narrowed down to what it should be. Also, since it is called an absentee landlord ordinance, is this strictly for residential property.

Mr. Smith responded the ordinance is intended to address residential property, and is not intended to address business property.

Mr. Malinowski stated he believes that needs to be added to the ordinance title. In addition, any financial and manpower implications need to be looked at before we enact an ordinance.

Ms. Newton stated part of the intent of this ordinance was where you have cases where people are repeat violators/offenders of the nuisance codes, but they do not care because they do not own the property, so they ignore it. This is to bring the landlords into this because they will have some skin in the game. She inquired, as the ordinance is drafted now, would the renter get a citation like they do now, or would the processes work in tandem.

Mr. Smith responded ultimately the permit is going to be issued to the owner of the property, so the property owner is going to be responsible. The way the City of Columbia has their ordinance set up, there is 15-point system. Each violation has a certain point value. Once you get the 15 points, then you are subject to getting your permit to continue to lease the property revoked. At that point, if that occurs, since we would have an ordinance that requires a permit in order to lease, the owner of the property would no longer be able to lease to the tenant. In effect, they would be enjoined from continuing to lease property.

Ms. Dickerson stated her concerns relate to businesses along the corridor. Therefore, she would like that to be included in the ordinance, as well.

Mr. Malinowski stated where it talks about that a responsible local representative means someone within the 45 miles of the rental property needs to be looked at because going from the far northwest to the far southeast we might be out of the 45 mile range. In addition, the definition of person states "a natural individual". He requested an explanation of this definition.

Mr. Smith responded that means a human being.

Ms. Newton moved, seconded by Ms. Terracio, to hold this item in committee and direct staff to come back with the answers to the questions raised. She also directed the Clerk to Council to send a request to full Council asking if there have any additional questions or comments regarding the absentee landlord ordinance.

Ms. Dickerson inquired as to how long this item will be held in committee.

Ms. Newton responded she would like to have it come back at the next committee meeting.

Mr. Smith stated Ms. Dickerson mentioned her concerns about structures being used as businesses, but were still being rented out. She requested those concerns be addressed in the draft ordinance.

Ms. Dickerson stated she partnered with Ms. Newton on this motion, and there is about 50% residential and 50% business. Her concern was the absentee landlord for businesses. Most of the businesses along the corridor are creating havoc. She just had to have the Ombudsman's Office go out and clean up 3 rental businesses on this corridor, so this has to be inclusive.

Ms. Terracio stated she would be curious of any unintended consequences that may come up, so we can try to avoid those.

In Favor: Terracio, Newton and Manning

Abstain: Jackson

The vote in favor was unanimous with Mr. Jackson abstaining from the discussion and vote due his being a landlord.

Mr. Malinowski requested an explanation on how a motion can pass with only 2 members of the committee voting in favor of the item.

Mr. Smith responded it is a majority of those present and voting. You had one person that indicated that they were abstaining from the vote.

- b. Affordable Housing Trust Fund – Ms. Terracio stated the motion she made was "I move that Administration find existing budgetary funding possibilities for enactment of an Affordable Housing Trust Fund, and bring all options back to Council for review."

Mr. Malinowski requested the motion appear in the backup documentation the next time this item appears on an agenda because, on p. 14 of the DS agenda briefing, where it says motion of origin there is no associated Council motion. In addition, he does not see where there was any legal review. He would also like to see more information from Finance.

Ms. Powell responded the briefing document in the agenda packet was prepared by the Legal Department, as such there was no legal review.

Ms. Newton stated from her perspective the motion was not fully addressed in the legal briefing. The legal briefing addresses one component of it, whereas Ms. Terracio's motion directed staff to come back and address a broad array of options for this. She would like to hold this item in committee, so that staff and legal can come back with a more fulsome response.

Mr. Jackson stated he would not like to levy a tax increase to accomplish this, and particularly considering the climate we are in now. Unless there are legitimate alternatives way of funding it, he thinks it would be a bad idea to consider, at the present time, any type of tax increase on the public to address this matter.

Mr. Manning stated Act 388, which says a County government cannot increase taxes except for under five (5) extenuating circumstances. He inquired if one of those extenuating circumstances presented in agenda packet, as a means of Council raising taxes to do this.

Ms. Terracio responded she does not believe there is anything like that. She would like to see information from staff that would let us know more about how we can do this legally, and adhering to the laws of the State of South Carolina.

Mr. Manning moved, seconded by Mr. Jackson, to hold this committee pending further information, and to place this item on the June DS Committee agenda.

In Favor: Terracio, Jackson and Newton

The vote in favor was unanimous.

5. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

- a. I propose the change of the Animal Care Officer's official title to that of "Animal Welfare Officer" within our county's ordinances. "Animal Care Officer" tends to be a bit confusing for those in the public who do not fully understand what they do, and "Animal Control Officer" tends to have a derogatory connotation. The field of animal welfare/care has dramatically changed within recent years. A title of "Animal Welfare Officer" offers a broader understanding of what their duties entail. [MALINOWSKI, DICKERSON, JACKSON, MANNING and McBRIDE] – Ms. Powell stated that Ms. Haynes is collaborating with Human Resources and Legal on a briefing document in relation to this item.

Ms. Newton inquired since this is a change in job title does it have to be approved by Council.

Ms. Powell responded the intent of the motion speaks to the way the Animal Care Officers are referred to in ordinance, and as such would require approval by Council.

Mr. Malinowski stated he wanted to ensure that this is not going to cost us financially because we find out a new title creates a new pay status.

Ms. Terracio inquired if we have addressed this motion with Human Resources.

Ms. Powell responded that is a part of the collaboration. We want to know if there are any unintended consequences, from a legal perspective, with use changing the wording in the ordinance. Secondly, if this would impact anything that was done with the TRS (Total Rewards Study), or otherwise require us to regrade the position.

No action was taken.

6. **ADJOURNMENT** – The meeting adjourned at approximately 1:50 PM.