

## BUILDING & BUILDING CODES COMMITTEE MINUTES

April 14, 2008

The Building & Building Codes Committee meeting was held on April 14, 2008, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 6:31 p.m.

**PRESENT:** Committee Members: Chair Don Willey, Larry Antoskiewicz; Council: John Nickell, Dan Kasaris; Administration: First Assistant Prosecutor Donna Vozar, Building Commissioner Rito Alvarez; Other Attendees: Nick Cinquepalmi, Pat Jones.

**ABSENT:** Kurt McKee.

### APPROVAL OF MINUTES

Moved by Mr. Antoskiewicz, seconded by Mr. Willey to **approve the March 24, 2008, minutes.** Yeas: 2. Nays: 0. **Motion carried.**

### UNFINISHED BUSINESS

#### 1. Chapter 1282 Off-Street Parking and Loading

Mr. Alvarez said there are many changes. Mrs. Vozar looked at them and felt there was no legal problem with the changes. Mrs. Vozar will submit the changes to the Director of Legislative Services.

#### 2. Abandoned houses

Mr. Willey said Governor Strickland issued a statement that there is assistance underway to try to help people facing foreclosure. Mr. Nickell is trying to get a list of houses that are undergoing foreclosure which could be useful when considering point of sale inspections.

#### 3. Point of sale home inspection

Mrs. Vozar said while point of sale inspections have some advantage, less government is better in this case from the standpoint of the cost of enforcement. With the way the market is now there is no extra money. When people are buying a home they are doing their own inspection and negotiating the cost of repairs into the sale. What is to happen when the city is brought into the situation having the city as the insurer? What if something is missed by the city or if it was not done the way it was intended. It is having the city involved in what is really a private matter between the parties. It could be understood in some cases where it might be an advantage. It is for Council to decide if this city is at that point were it is necessitated. It will not apply with foreclosure homes and would not help in that situation.

Mr. Nickell said that is the point. If the buyers have hardly enough money to get the home, they are not spending the money to inspect the home. They just want a home. The homes here are getting older. Sometimes there is a place for government and this just might be it. He reviewed the international property maintenance book Mr. Alvarez talked of last month. Mr. Nickell said we are having a hard time enforcing because it is hard or we have to go after people. Mr. Nickell asked how this is done. Mrs. Vozar said they go to court, are fined, they are incurring more costs, this goes on for a long time and eventually the city takes action to have the house determined to be a nuisance. Mr. Nickell said with point of sale that there is now something in place to eliminate a majority of this. Several communities have been doing this for years requiring the repair or escrow in order to have the sale. It is working in other communities. Mrs. Vozar said that there are a lot of possibilities that could happen. The market is supposed to bear that out.

Mr. Kasaris said that there is a house on Cady Road that had a tarp on it for a couple of years and is an example of an abandoned house. He asked what is happening with this. Mrs. Vozar said that the owner has been cited numerous times and has spent time in jail. When homes get so bad the city determines whether or not it is a nuisance. This is the process that is currently being followed. Mayor Stefanik said that we have things on the books now. Mr. Nickell said that nothing has been done. Mayor Stefanik said that with pre-sale inspection only a couple of houses are being reached. Mr. Antoskiewicz said that things were not enforced because the Building Department is understaffed and has been asking for additional staff. More staff would be necessary to handle the proposal of Mr. Nickell causing additional expense.

Mr. Kasaris asked why not pursue the homes in need to see what can be done before doing anything else. Mayor Stefanik asked that each Council Representative submit to the Law Department the worst homes in their ward and we can work from this.

Mr. Willey said that there is a current program with the county where a zero interest loan is granted that senior citizens can take advantage of to assist with home repairs. Mr. Alvarez said this information is available to people in the Building Department. Mr. Willey said that often times the point of sale inspection is where this need is discovered.

Mr. Willey recommended trying the internal inspection first. Mr. Nickell disagreed. He said that there are enough homes in the city that if people were aware of the requirement ahead of time they would be better prepared. Mr. Antoskiewicz did not think there was a large percentage involved. People know when they sell a house if they don't keep up with things they will take a hit on the house. We don't have the staffing and without the funding and staffing it is difficult to police and enforce what we have to now. Mrs. Vozar said that when the Building Department issues citations it is done in order to get compliance. The goal is to get compliance and the citation is dismissed when the problem is corrected. At this point if there is a lack of funding the resident can be assisted to find a situation where there might be money available. There is compliance with the majority of cases.

Mr. Willey does not see passing legislation where there is no staffing or funding to enforce.

Mr. Nickell said he still feels that currently there is insufficient enforcement of the codes. With each sale the homes are not being repaired and the situation degrades. There should be something binding on the homeowner. Mayor Stefanik gave an example of a home on Bennett Road where the seller realized how much repair was needed and decided to pull the house from the market. The home is not being repaired and the problem is not solved. Mr. Nickell said there is no perfect way to address this.

Mr. Willey said that it is good that we are discussing this even if no legislation will be had from the discussion. Sometimes the discussion is what will create action and that may be just what is needed.

#### **4. Section 1286.06 Extension Prohibited regarding nonconforming use**

The committee reviewed the last discussion from the September 16, 2007 committee meeting. This was pending with the previous Law Director. Mrs. Vozar will look into this.

### **NEW BUSINESS**

#### **1. Proposed Ordinance 08-43 amending Chapter 1246 Design Standards**

This is currently being discussed in Planning Commission.

### **ADJOURNMENT**

Moved by Mr. Antoskiewicz, seconded by Mr. Willey to adjourn the meeting. Yeas: 2. Nays: 0. **Motion carried.** Meeting adjourned at 7:10 p.m.