

**Minutes
Cheney Planning Commission & Cheney City Council
Joint Workshop**

January 6, 2020

Commissioners Attending: Richard Mount, Dan Turbeville, Vara Lyn Conrath, Daniel Hillman, Jake Vibbert and Natasha Jostad.

Commissioners Absent: David Early.

City Council Members Attending: Ryan Gaard, Paul Schmidt, Vincent Barthels, John Taves, Jill Weiszmann, and Mayor Chris Grover.

City Council Members Absent: Teresa Overhauser and Dan Hilton.

Staff Attending: Brett Lucas, Todd Ableman, Mark Schuller & Susan Beeman, and Lindsay Kornegay of Witherspoon Kelly.

Call to Order: Mayor Grover called the meeting to order at 6:00 p.m.

Mayor Grover explained that the purpose of this workshop was to have an informal discussion on occupancy limits, particularly in rental homes. He described challenges with enforcement, particularly with regard to ‘functional families.’

Mr. Lucas summarized our current code, and explained that there is concern that the definition of ‘functional family’ may put us in violation of federal Fair Housing laws. One option to consider in addressing overcrowding would be to look at the square footage-per-person requirement specified in the adopted building codes, and specifically in the International Property Maintenance Code (IPMC).

Ms. Kornegay explained that the Supreme Court has said that you cannot define what a ‘family’ looks like.

Extensive discussion followed on ways to address overcrowding and occupancy issues.

Mr. Schuller shared a ‘good neighbor’ brochure developed by the City of Chapel Hill, North Carolina.

Commissioner Mount said that enforcing the occupancy limits against the residents of an address is not going to be as effective as hitting the landlords in the pocketbook for violating our code. The burden should go on the landlord to regulate the number of people living in their properties.

Ms. Kornegay said that the rental registration ordinance that was discussed at the Planning Commission level would do that.

Commissioner Mount explained that the Planning Commission is hearing complaints about so many cars parked on the street from rental units that other neighborhood residents cannot park on the street near their homes. He knows from experience in his parents' neighborhood that this is a real problem.

Commissioner Turbeville said that he hears from citizens who know we have laws about how many people can live in a single family house, and the frustration is that they have not seen the City take any kind of enforcement action.

Councilmember Barthels said that in his time on the Planning Commission, he remembers hearing that the code enforcement officer could get 92 to 95% compliance with a letter.

Discussion continued. At this time, code enforcement is being handled by the Police Department. Commissioner Turbeville suggested that people don't want to call the police to complain unless it's a really serious problem,.

Commissioner Hillman added that the resident on Short Street who addressed the Planning Commission this fall felt blown off by the code enforcement officer when she called with an occupancy limit complaint.

Mr. Schuller explained that this year's budget allocates a significant amount toward code enforcement. It also removes code enforcement from the Police Department and moves it to the Mayor's Office. He said that retired police officer Rick Campbell has suggested some ways to improve code enforcement, and may be coming in to help.

Councilmember Schmidt said that he recalls when the 'functional family' portion of the code was enacted some 25 years ago, and recognizes that part of this is the parking problem. He said that he worked for a city that tried to implement a residential parking permit program, and in the end, they rescinded the ordinance and walked away from it, because of the unintended consequences.

Mr. Ableman explained that the International Property Maintenance Code has a section that is intended to address overcrowding, and is based on a square footage-per-resident formula.

Councilmember Gaard asked if the landlord is under obligation to reveal the actual number of people living in their property (rather than the number they know they are allowed to have).

Mr. Lucas suggested that we could issue business licenses to landlords. He said that both Pasco and Bellingham have rental license programs to help manage occupancy and housing quality issues.

Councilmember Schmidt noted that we have the noise ordinance, we prohibit parking on the front lawn, and garbage and litter are prohibited as nuisances. Our code already addresses yard maintenance. We already have a prohibition about parking on-street for

more than 72 hours. If we were to take a more aggressive approach to code enforcement and deal with the behavior problems first, that would probably take care of the majority of the issues.

Commissioner Mount said that he thinks we need to change the occupancy limits ordinance so it does not run afoul of the Fair Housing laws. And then education is important, with notices in the utility bills, and communication directly to the owners of rental property. He said that enforcement is going to be key, making it painful for landlords who are not following the rules.

Commissioner Vibbert asked if things were better when we had a very proactive code enforcement officer. The consensus was that most things were better, but even then, he was not doing much to address the occupancy limits issues.

Councilmember Weiszmann asked if we know how many rental units there are in Cheney. Commissioner Turbeville said that according to staff's research, 70% of our housing units are multi-family. Of the 30% that are single family, probably 10% are rental units.

Commissioner Mount added that he agrees that pursuing violations as civil penalties is a good idea.

Councilmember Schmidt said that it might be helpful to have landlords required to obtain a business license.

Discussion continued. Councilmember Weiszmann said that she likes the idea of how Chapel Hill is approaching these issues. Mayor Grover noted that Chapel Hill sets a limit of four unrelated people. Discussion continued about removing the 'unrelated' part of the text.

Commissioner Hillman suggested that the next thing to look at would be the on-street parking, particularly in the area within 4 or 5 blocks of campus. Councilmember Schmidt confirmed that parking is prohibited within 5' of a driveway. If the City were to begin painting those curbs, there would be something to enforce. But issuing permits to park on public right-of-way is a slippery slope.

Mr. Lucas explained that staff has looked at about 12 different college towns to see how they regulate parking around the campus. He briefly reviewed how some other cities are addressing permit parking.

Discussion continued on parking options.

Commissioner Mount requested that staff put together their best recommendations for how to amend our codes to achieve the desired results, as reflected in this discussion.

Mayor Grover thanked everyone for coming, and thanked Planning Commission members for their service.

There being no further business, the meeting was adjourned at 7:31 p.m.

Respectfully Submitted,

Approved By:

Susan Beeman, Secretary

Richard Mount, Chairman