9. CODE ENFORCEMENT UPDATE

STAFF REPORT

QUESTIONS FROM COUNCIL ON STAFF REPORT

DISCUSSION

ACTION TAKEN

NOTES:

CITY OF PULLMAN

Administration/Finance

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MEMORANDUM

TO: Mayor and City Council

FROM: John Sherman, City Supervisor

RE: Code Enforcement Report

DATE: May 12, 2011

We have been meeting as staff on an annual basis to discuss various code enforcement issues. This year we met on Tuesday, April 26. These staff meetings allow the Mayor, City Attorney, and me to bring together our key code enforcers from various departments within the city to address their issues and concerns. The City Council has also directed in the past that we provide reports on code enforcement at City Council meetings. For example, part of a 2010 adopted City Council goal stated:

> Provide reports and make recommendations to the City Council on code enforcement and neighborhood improvements.

Our last in-depth report on code enforcement took place at the City Council meeting on May 11, 2010. Additional reports on code enforcement took place after the 4th of July celebration and in our joint meetings with ASWSU. As we all are keenly aware, code enforcement is an ongoing educational and enforcement issue. If constant attention is not provided, neighborhoods can deteriorate rapidly. The attached article on Albany, New York is a good case in point.

At the City Council meeting on May 17 we will have representatives from various city departments give presentations on their code enforcement efforts. Their background memorandums are attached.

How can troubles in Albany's student ghetto be fixed?

Everyone agrees the culture of Albany's student ghetto needs to change, but how?

By Scott Waldman Staff writer
Updated 11:03 a.m., Monday, March 28, 2011

ALBANY -- The student stepped over the beer bottle on his front porch and dashed into his Hudson Avenue house.

A few doors down, past the house with furniture on the roof and the one with the saturated couch on the porch, a mound of snow was melting to reveal a collection of memos telling University at Albany students where to put their trash.

The destruction wrought during the March 12 "kegs and eggs" riot was the culmination of problems in a neighborhood that has been allowed to grow out of control, despite decades of efforts by top city and school officials to turn it around. Transforming the student ghetto into the Education District, as city officials have started to call it, begins with stricter enforcement and a proactive crackdown on residents, landlords and business owners, according to experts in both alcohol abuse and urban planning.

Albany already has some of the mechanisms in place that other cities with large populations of college students have used to improve student neighborhoods, including a codes court, a nuisance ordinance for bars and a limit on the number of unrelated people who can live in an apartment.

However, in Albany, residents contend enforcement has been lax and inconsistent, with Pine Hills suffering as owner-occupied homes become increasingly rare.

The first step to changing the culture of the Hudson and Hamilton Avenue corridor may be to simply correct the numerous code violations that can be found on virtually every house between Partridge and Quail streets. The litter, the beer bottles scattered around houses and the couches on the porches need to be removed and serious fines need to mount against the owners of properties that do not comply, said Tom Murphy, former Pittsburgh mayor and senior fellow at the Urban Land Institute, the Washington-based organization of real estate investors and developers, architects, engineers and academics.

"They're not seen as serious crimes like shooting somebody, so they're not taken seriously," said Murphy, who has been credited with spawning a renaissance in Pittsburgh during his tenure as

mayor from 1994 to 2006. "It erodes the quality of life in the neighborhood. You need to deal with the little things."

Tackling those seemingly small issues -- an approach widely called the "broken windows" theory -- is one of the cornerstones of an ongoing study of the area involving Albany and its colleges, said Sarah Reginelli, a planner for the city.

"We've got to make an environment where it's difficult to do the wrong thing," she said.

Real change also starts with universities making their students more accountable, Murphy said. While UAlbany and The College of Saint Rose maintain a presence in the neighborhood, school officials focus on keeping students safe -- preventing burglaries and rapes -- rather than punishing them for the sort of violations that make them obnoxious neighbors.

The College of Saint Rose officials tell students not to live on either street because the housing is so bad, President Mark Sullivan said. He said the city needs to crack down on code violations that have festered.

"Some of the landlords are getting away with murder," Sullivan said. "Some of them are absentee landlords and you don't know where they come from."

Keeping students on campus prevents the dense concentrations of off-campus student housing that stresses a neighborhood.

UAlbany and The College of Saint Rose each have new dorm projects under way, though with the additional beds, they will still be able to accommodate less than half of their student populations.

UAlbany has housing for 7,300 students, while 10,720 undergraduate and graduate students live in off-campus apartments or commute from home. Saint Rose enrolls 5,000 students and has beds for 1,183. On-campus housing is more expensive, so schools have to build bed space to meet demand.

City officials contend that having a critical mass of students in one area, rather than spread across the city, can be helpful in that it attracts businesses that will also serve other residents and lay the foundation for further revitalizations.

In the wake of the riot, UAlbany officials moved spring break to coincide with St. Patrick's Day and canceled the annual Fountain Day event. While that may repair the school's reputation, it will do little to address the real issue that plagues the student ghetto.

Businesses in the area largely cater to alcohol consumption, and corner stores devote a good chunk of counter space to rolling paper for joints, though two new Quail Street cafes and a bakery have provided a glimmer of hope for long-suffering residents that sobriety could become a viable economic model. Student neighborhoods in other cities, including High Street near Ohio

State University in Columbus, and Guadalupe Street in Austin near the University of Texas have restaurants, clubs and businesses that attract people who don't find fun at the bottom of a red Solo cup.

"A lot of college towns have found that balance, we can, too, if we work together," UAlbany Associate Vice President Miriam Trementozzi said.

Gene Bunnell, UAlbany planning professor, said the school hasn't done enough in the neighborhood, including working with businesses to connect the Alumni Quad dorms on Western Avenue to the downtown campus. He said the university could encourage better lighting and more maintenance to make it a more walkable and enjoyable place to be.

He said Madison, Wis., cracked down on code violations in its student neighborhoods, helping to keep families and young professionals in student areas.

The key question, Bunnell said, is "How do you create the conditions that allow for a balance and don't drive away the households that would be committed to the neighborhood?"

Schools must address the culture of binge drinking which defines, and ruins, the quality of life in student neighborhoods, said Ralph Blackman, chief executive of the Century Council, a nonprofit funded by the liquor industry that fights underage drinking.

"If the students don't get interested in changing their culture, the adults aren't going to do it for them." he said. "The students on that campus have to take ownership and cast a critical eye on criminal behavior."

To break the cycle of excessive student drinking around the University of Minnesota, the school developed an edgy ad campaign that centered around the tagline "reputations aren't drunk-proof." Ads showed a girl lifting up her shirt in a crowded bar. In another, a young man is hanging on to a woman at a party, and the caption reads "Before you got wasted, you weren't known as 'the creep.' "

One idea contained in the Albany Education District Study is creating a "disorderly house" designation, which would require annual inspections, a probational rental occupancy permit and revoking a license for those not in compliance. Part of the $95,000 study involved bringing in consultants who suggested calling the area "NoMad," for North of Madison, and showed how park benches, trees and a brand name could instill pride.

Other cities have used even stronger tools to curb problems arising in their student neighborhoods. In Boston, building inspectors accompany police when they bust a large party. In the Philadelphia suburbs, new student housing is banned at least 400 feet from other such housing and those caught drinking underage could lose their license.

Murphy acknowledges the problem is almost impossible to eradicate, and Pittsburgh still has run-down student neighborhoods, but said it can be contained.

In the wake of Albany's chaos, city and school officials have not revealed any significant plans, though the study, scheduled to be released this summer, will be used as a guideline to transforming the area. Reversing the transformation of Hamilton and Hudson to a student neighborhood may not be possible, but making it more livable is, Albany planning commissioner Michael Yevoli said. Some residents are concerned that the neighborhood could get worse if the students, who have considerable disposable income, move out.

City officials are talking about a plan, in partnership with the schools or a private developer, to replace existing housing with new student apartment-style residences that would come with more supervision. Saint Rose has pledged $100,000 in loans to employees who buy homes in the area.

"It's not realistic to say we're just going to remove all of the students and everything is going to be OK," Reginelli said. "We just need to make it the best version of what it is."

Reach Scott Waldman at 454-5080 or swaldman@timesunion.com.

On the Web

For the first three parts of this series, and for more photos, go to the Local section on Timesunion.com

CITY OF PULLMAN

Parks and Recreation

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MEMORANDUM

TO: Mayor Johnson
City Council
City Supervisor

FROM: Steven B. Murphy, Community Improvement Representative

RE: Code Enforcement Report

DATE: May 11, 2011

In response to the improved compliance from the previous year, I continued personal contact with land owners, property managers and tenants regarding issues that had occurred in the past. This again being letters, phone calls and personal contacts. I also spent many afternoons walking all areas of Pullman speaking to residents about possible issues from all aspects of the nuisance code. I kept in contact with many property owners and managers informing them of what I saw and encouraged them to help keep all of Pullman clean.

Pullman's annual Spring Clean-Up, which was held on April 16th, was another success and gave not only residents of Pullman but departing students an affordable option for ridding themselves of unwanted items. Even though the overall number of participants were down, we noticed an increase in the student population utilizing this event. Also to note, I had fewer calls/complaints immediately following graduation, which in past years had generated multiple nuisance violations.

In keeping with adopted 2010 City Council #5; **Address issues on all the hills in Pullman that are typical of problems that are occurring on College Hill. Provide reports and make recommendations to the City Council on code enforcement and neighborhood improvements**, I have compiled the attached report that is based from May 1, 2010 to April 30, 2011. Also included is a comparison of the previous 5 years with the exception of 2007 - 2008.

2010-2011 Violation Report

Type of Violation	Confirmed # of Violations
Garbage/Litter	14
Overhanging Vegetation	12
Sidewalks	8
Weeds	9
Total	**43**

Comparison of Confirmed Violations

2010 - 2011	43
2009 – 2010	73
2008 – 2009	89
2006 – 2007	91
2005 - 2006	119

CITY OF PULLMAN

Public Works and Planning Departments

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MEMORANDUM

TO: Mayor Johnson and Pullman City Council

FROM: Pete Dickinson, Planning Director PD

FOR: Meeting of May 17, 2011

SUBJECT: Planning Department Code Enforcement

DATE: May 12, 2011

The planning department is responsible for enforcing the provisions of the zoning code. So far this calendar year, planning staff has addressed 23 alleged violations at 21 properties. The breakdown of these reported violations is as follows:

occupancy: 6
electric fence: 4
building setback (encroachment): 3
animals: 3
home occupation: 2
sign: 2
number of dwelling units: 2
vision clearance at intersection: 1

As of the date of this writing, 12 of these cases have been resolved, leaving 11 that are still pending. The total number of cases addressed in 2011 exceeds that of previous years, primarily because planning staff is working in a proactive fashion to identify code violations based on its own observations. A more detailed account of the department's code enforcement activities for 2010 and for January through April of 2011 is provided on the attached sheet.

From planning staff's perspective, code enforcement within the city is better coordinated than ever before. This is, in large part, due to the efforts of Mayor Glenn Johnson and

City Supervisor John Sherman, who have been arranging regular meetings during which the city's code enforcement personnel discuss the optimal means to effectively conduct their work. These meetings have helped considerably in generating a common understanding about departmental responsibilities related to code enforcement.

Attachment

Planning Department Code Enforcement Efforts
4/26/11

Total cases 2011: 21
Number closed/resolved: 7 (33%)

Total cases opened 2011: 10
Number closed/resolved: 2 (20%)

New cases since previous meeting: 30
Number closed/resolved: 20 (66%)

Violation Breakdown:
Overoccupancy: 6 (29%)
2 resolved
Encroachment: 7 (33%)
1 resolved
Other: 8 (40%)
4 resolved

Breakdown by date (year) received:
2003: 1 (0 resolved)
2004: 1 (0 resolved)
2009: 1 (0 resolved)
2010: 8 (4 resolved)
2011: 10 (2 resolved)

Current Notices of Violation: 0

Planning Department Code Enforcement Efforts
4/15/10

Total cases 2010: 15
Number closed/resolved: 8 (53%)

Total cases opened 2010: 5
Number closed/resolved: 3 (60%)

New cases since previous meeting: 5
Number closed/resolved: 3 (60%)

Violation Breakdown:
Overoccupancy: 7 (36%)
3 resolved
Encroachment: 3 (27%)
2 resolved
Other: 5 (33%)
2 resolved

Breakdown by date (year) received:
2003: 1 (0 resolved)
2004: 1 (0 resolved)
2009: 7 (5 resolved)
2010: 5 (3 resolved)

Current Notices of Violation: 2

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Public Works and Planning Departments

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MEMORANDUM

TO: Mayor and City Council

FROM: Gregory Colvig, Senior Building Inspector

RE: Rental Housing Inspections

DATE: May 11, 2011

In December 2007, the procedures for inspections of rented or leased housing were created to allow tenants or owners to submit a request for a life/safety inspection. A standardized inspection request form, list of general inspection items, inspection reports, and filing system specific to rental housing inspections were established. This system allows easy retrieval of the rental housing inspection records by address.

In order to provide consistency, one person from the building department has been assigned to the rental housing inspection program. The tasks performed by that employee include taking in rental housing inspection requests, evaluating the request to determine if a life/safety issue exists or if it is a landlord/tenant matter, meeting with tenants or rental managers, arranging for inspections, performing inspections, writing inspection reports, providing tenants and managers with reports and/or correction notices, performing follow-up inspections, writing correction letters, contacting managers by phone, and continuing to work with the responsible person in a non-adversarial manner until any life/safety concerns are removed.

2011 Housing Inspections

In 2011, two inspection requests have been received. Both of these requests were received in April. The owners have been notified and are working on correcting the deficient items.

2010 Housing Inspections

In 2010, sixteen requests for life/safety inspections were received. Thirteen of these have been resolved.

Of the un-resolved complaints:

- 1714 NW Lamont is waiting on the home owners association to gather funds and hire a contractor to repair and finish decks constructed without permits. The decks are not eminently dangerous but are not code compliant.
- 225 SW State needs a final inspection. The absentee landlord lives on the coast and has stated he will be in Pullman this spring and arrange for a final inspection.
- For 1220 NW State, the owner is ill and not doing well. The family is willing to make repairs but cannot until money is available.

Pre-2010 Housing Inspections

Eight housing complaints were carried over into 2010 from previous years. Five of the complaints have been resolved. Of the remaining three:

- For 805 NE Michigan, the out-of-state owner has not returned phone messages or responded to letters.
- 420 NW Harrison is owned by a man who does not speak English and communication has been difficult.
- For 425 NE Howard, a building permit application has been received and is currently being reviewed.

2010 College Hill Building Safety Survey

807 buildings were surveyed from the public right of way. Of these, six were identified as having exterior deferred maintenance to a degree that there were live/safety issues. Of these six, two buildings have not been resolved:

- 1225 NE Lake Street is an owner occupied duplex. The owner has applied for a siding permit to restore the weather resistive surface but has not taken it out at this time. A final inspection is needed for the repairs already made.
- 1810 NE Wheatland has a damaged structural member in a carport roof frame that may have been created by an owner or a tenant. The local owner of this building has been unresponsive to inquiries as to when the repair will be made.

Working with the property owners in this manner to the eventual resolution of noted deficiencies is a time consuming task, but allows us to gain compliance in an atmosphere of mutual respect. The Pullman City Code (PCC) does allow for issuing a Notice of Infraction (NOI) to gain compliance with the PCC. Our experience is that issuing a NOI to coerce an owner to correct code life/safety issues in rental housing alienates the parties involved, increases the time line for gaining compliance, and should be used as a last resort We will continue to work through our non-adversarial procedure to resolve the life/safety issues at the above addresses until the identified deficiencies have been corrected.

City of Pullman
Public Works Department
MEMORANDUM

TO: Mayor and City Council

FROM: Rob Buchert, Stormwater Services Program Manager RWB

RE: Stormwater Related Code Enforcement

DATE: April 28, 2011

The city of Pullman has been under the NPDES Phase II Municipal Stormwater Permit for Eastern Washington (Permit) since February 16, 2007. The Permit required the city to adopt ordinances that, when fully implemented, will improve the quality of water being contributed by the city's storm drainage system to receiving streams. As a result, two new Chapters have been added to Pullman City Code (PCC):

PCC 10.31 – Illicit Discharge Detection and Elimination (adopted August 2009)
PCC 10.32 – Construction Stormwater Runoff Control and Post-Construction Stormwater Management (adopted January 2011)

In addition to helping improve water quality, the two new stormwater Chapters also provide added support for enforcement of multiple sections of existing PCC, including the following:

PCC 2.15 – Building Code
PCC 5.01 – Public Nuisance Control
PCC 5.40 – Solid Waste Collection & Removal
PCC 5.45 – Litter Control
PCC 9.20 – Animal Control (pet waste)
PCC 11.28 – Obstructions to Streets & Sidewalks
PCC 13.80.170 – Requires Stormwater Improvements on New Plats/Subdivisions
PCC 16.50.470 – Development Standards for Critical Areas: Includes Erosion Control & Stormwater Control
PCC 17.135.060 – Site Plan Review of New Development: Requires Stormwater Control and Erosion Control as prescribed by Pullman Design Standards