

27

RENTAL LICENSING, Feb 9, 2000

GORDON MITCHELL, 608 Airport Road, Chapel Hill.

Some of the justification that I have heard is: Rental Licensing is necessary so that the owners can be registered and identified, so that they can be reached if there is a problem.

I can tell you how this can be done at no additional cost and with no additional staff.

I hold in my hand a CD-ROM which contains the tax records for every property owner in Orange County. My phone number is listed for every property that I own in Orange County. My address is listed for every property that I own in Orange County. I routinely use this data base to located the names, addresses, and telephone numbers of property owners.

I pay about \$600/year for this information. The Town has direct access to all these records.

It has been stated that there needs to be a list of the responsible party for each piece of property. The responsible party is always the owner. The owner may have delegated some of his authority to an agent, but the agent always derives his authority from the owner. The owner is responsible for his agent and his property.

There already exists a staff for registering the owners, and their agents. It is available at no additional cost. It is the Orange County Tax Office. There is already a space on the listing form for the owners' work and business phone numbers. It would be very simple to add the following questions to the form:

IS THIS A RENTAL PROPERTY, OR WILL IT BE RENTED AT ALL DURING 2000(or current year)?

IF YES, HOW MANY UNITS _____.

LIST THE PERSON RESPONSIBLE FOR MANAGING THIS PROPERTY.

Name

Address

Day Phone #

Night Phone #.

The form could also state that without this complete information, the listing would be invalid and subject to the current penalty for late listing, or any other penalty desired.

This takes care of the registration of all property owners, and their agents, at no additional cost. This data would be updated annually. This data would be immediately accessible from any town computer terminal, and later from the internet.

Crosland Properties

THE CROSLAND GROUP, INC.

March 14, 2001

(28)

Atty
Rogor
Chin
MJB
3/21/01

The Honorable Rosemary Waldorf
Town of Chapel Hill
306 North Columbia Street
Chapel Hill, NC

Subject: Proposed Rental Housing Licensing

As the owner and manager of over 300 rental apartment units in two apartment communities in Chapel Hill (Dobbins Hill and The Apartments at Meadowmont), we are very concerned about the proposed rental housing licensing ordinance. The proposed ordinance seems unfair; the wrong approach, and a disturbing added cost to housing in Chapel Hill.

As a company we have attended the task force meetings and reviewed the issues related to the task force and the resulting ordinance. As we understand it, a primary concern about rental housing in the town were the problems created by student tenants in rented single family homes. Those problems included noise, trash, parking in yards and poorly maintained or damaged residences. I strongly believe that there are other means available to the town to control nuisances and that by the enactment of an overall rental housing licensing ordinance and its related fees you are punishing many for the transgressions of a few. It is like using an ax to make a knife cut.

I have read and heard that the Town is also concerned about the lack of affordable housing in the town. Clearly, additional fees are a significant step in the wrong direction. Rental housing is the housing that best serves moderate income households and this is equivalent to a tax enacted on one housing type, the Town's affordable housing. Dobbins Hill serves moderate income households exclusively; The Apartments at Meadowmont also serves moderate income households including a significant number of elderly households. Rental housing in the Town serves many more people than students and these costs will simply increase the cost of that housing.

In addition, although the ordinance tries to address property management issues in detail, it makes no distinction between the very different approaches to rental housing property management. The language proposed for the tenant duties is completely inappropriate for the trash collection, service requests and other services of apartment communities. The full time professional property management staff on site at an apartment community provides very different services from that of the owner of single family or duplex dwelling who may not even live nearby. Our apartment community managers carefully screen residents, enforce occupancy and parking rules, follow up on complaints and typically answer service requests in twenty four hours or less. Yet these same communities with the most active and attentive property management are likely to bear the largest financial burden of the proposed ordinance.

The Town already has the power to control nuisances and can determine ways to more effectively police them and deter the behavior of the offending parties be they tenants or landlords. We would urge you and the Council to look carefully for alternatives to address the concerns people have about certain households and dwellings. However, do not pass an ordinance that punishes the innocent with the guilty and raises the cost of housing for all concerned.

Sincerely,

Justin Little

Justin Little
President

Post Office Box 11797

Charlotte, North Carolina 28220

Telephone (704) 529-6098

Fax (704) 525-3562

Copy to Council
MJK
4/21

29

To Rosemary Waldorf, Mayor
Chapel Hill, N. C.

An article in the N&O regarding the licensing for rental property in Chapel Hill indicates our town administration is considering another layer of complications in the lives of its citizens. I quote: "A 15-member task force presented a proposal for a rental licensing program that would attempt to abate the flurry of complaints that residents have lodged through the years in near-campus neighborhoods."

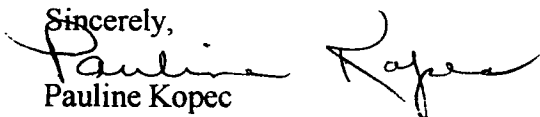
How many is a flurry compared to 15,000 or 16,000 students not housed on campus. Once again we seem to be making a mountain out of a molehill and producing scads of paperwork or computer time that will cost more and more money. We Americans are the victims of town, county, state and national politicians who seem to be obsessed with adding layer upon layer of rules and regulations to every phase of our lives. Isn't it time to strip down the superfluous and put reality back into government.

Chapel Hill has always been a rental town. Chancellors, professors, shop owners, farmers - all citizens have provided housing for students. It's the Chapel Hill way. The complaints seem to be concerned with "noise, toppled garbage cans, illegally parked cars and other problems." The fraternities create the same problems and the town has the means to deal with them. Police can respond to noise complaints and give citations which can lead to fines for the noisemakers, they should be giving tickets for illegal parking and perhaps have the town stiffen the fines. The garbage men could keep a list of toppled garbage cans and then the household charged a fine for littering. Hassle the miscreants not the housing providers.

Every week there is something in the news about housing shortages, whether moderate cost housing, low cost housing, student housing whatever, and now you and the council seriously consider adding to the problems of those alleviating some of these shortages..

We have had a housing unit since the early eighties. During that time how many students have renegged on their rent? How many have damaged the property? How many have moved out and left old furniture for us to pay to have removed? We provide decent safe housing for students and work with them if they have financial problems as most apartment owners do. Give us credit for trying and concentrate your efforts on sensible and efficient government.

Sincerely,


Pauline Kopec
Chapel Hill
03-28-01

cc: N&O



30

Land Notes

TRIANGLE APARTMENT ASSOCIATION

3739 NATIONAL DRIVE, SUITE 202 • RALEIGH, NORTH CAROLINA 27612

TEL (919) 782-1165 • FAX (919) 782-1169

WWW.TRIANGLEAPTASSN.ORG

October 11, 2001

Ms. Edith Wiggins
Chapel Hill Town Council
605 Piney Mountain Road
Chapel Hill, NC 27514

*Please consider
as you finalize
your proposal.
Thank you*

Dear Ms. Wiggins:

As you are all too aware, the Chapel Hill Town Council has been wrestling with the issues of trash removal, noise, parking, maintenance and habitability of rental units and the need for improved communication between the Town and property owners, managers and residents of rental housing to ensure adherence to existing community standard. The Triangle Apartment Association has monitored the Town Council's approach to resolving these issues and several Association members applied for the Rental Licensing Task Force but were not selected to serve on the task force. We did, however, proactively monitor and attend as many meetings of the task force as possible and have read the rental licensing proposal submitted by the task force to the Town Council this past March.

It is our understanding that Town staff will likely present its recommendation to the Council on Monday, November 12, and that the recommendation will include a proposed fee schedule and response to the specific components of the program as presented by the task force.

The Triangle Apartment Association would like to propose a simplified alternative to the proposed rental licensing program whereby there would be a registration of rental housing owners, and not a licensing, which would thereby provide a database and resource for resolving matters satisfactorily as outlined in the enclosure. In conjunction with the task force proposal and Town staff recommendations, we would very much appreciate your taking a few moments to review and consider the details of our proposed alternative which we formally submit to the Town Council and Town Manager as a win-win approach to successfully resolving the issues.

On behalf of the Triangle Apartment Association, we look forward to your response. Please do not hesitate to contact us if you have any questions. Thank you for your time and consideration.

Sincerely,

Kathy A. Powell, CAE
Executive Director

Enclosure: An Alternative to Rental Licensing in Chapel Hill

cc: Cal Horton, Town Manager

An Alternative to Rental Licensing in Chapel Hill

Submitted by: Triangle Apartment Association

The Triangle Apartment Association is a trade association representing owners, operators, developers, vendors and suppliers to the multihousing industry. The Association has 660 members and represents approximately 72,000 rental units in the greater Triangle area. Of those, the Triangle Apartment Association represents 36 members in Orange County who own and/or operate 7,107 rental units in Chapel Hill and Carrboro, equating to approximately 14,214 renters, an approximate apartment tax value of \$205 million and ad valorem taxes paid of approximately \$2 million.

Our understanding of the concerns brought before the Council include trash removal, noise, parking, maintenance and habitability of rental units. We also appreciate the need for improved communication between the Town and owners, property managers and residents of rental housing to ensure adherence to existing community standards.

As property management professionals, the issues being faced by the Town Council and the residents of Chapel Hill are issues that we deal with on a daily basis and resolve successfully through established regulations and policy/lease enforcement. Members of our Association currently comply with Chapel Hill regulations/ordinances that address these issues.

Our understanding is that the subject of rental licensing was originated in response to complaints made by residents of the Northside and Cameron-McCauley neighborhoods. Both neighborhoods are primarily single-family homes, and no mention of complaints from multifamily housing was found in any of the initial discussions of the issue. It is our opinion that the issues that precipitated the rental licensing proposal are not present at properties managed by TAA members.

Our further understanding from attending the Rental Licensing Task Force meetings is that some landlords who rent single-family homes do not know how to protect themselves and the integrity of the community through the use of lease agreements and enforcement of Chapel Hill regulations/ordinances. We also concur with the need for Chapel Hill officials to be able to know who the owners are of rental housing so that when complaints are lodged, they may be resolved with the respective owner and resident(s).

The Alternative

We would like to propose a simplified alternative to the proposed rental licensing program whereby there is a registration of rental housing owners, and not a licensing, which would provide a database and resource for resolving matters satisfactorily:

- Annual required registration of rental property owners/managers – include in annual tax bills.
- Annual required but reasonable registration fee per property.
- Registration required by a stated deadline or a significant penalty will be imposed.
- Information suggested for required registration:
 - Name of property owner and property management company (if applicable)
 - Contact address
 - Contact telephone
 - Contact email address
 - Number of units per property
 - Year built

(3a)

Elizabeth M. Godwin
2525 Booker Creek Road
Apt. E16
Chapel Hill, NC 27514

Council
2/19
cjo
Loren
RECEIVED
FEB 18 2002
BY: cjo

February 2, 2002

Mayor and Town Council
Town of Chapel Hill

To Whom It May Concern:

I would like to offer my comments on the proposed "Rental Licensing Program". I have lived in Orange County, NC off and on since 1969. I have lived in rental properties that are owned and managed by individuals as well as large apartment complexes (greater than 50 units). I never had a problem with the individually owned and managed houses but have indeed had bad experiences with the large complexes.

I currently am in a large complex and am extremely dissatisfied with the management. If I could have accessed a public database to research this company I would never have signed a lease and moved to this complex . If there were a database that allowed the public to post comments I think it would make these larger companies manage their properties in a more effective, courteous and efficient manner.

I ask that you vote to approve this "Rental Licensing Program". I think it's a win-win situation for both renters and owners and the town of Chapel Hill.

Sincerely,



Elizabeth M. Godwin

(33)

Rhoda H. Wynn
1908 South Lake Shore Drive
Chapel Hill, N.C. 27514

February 23, 2002

The Honorable Kevin Foy, Mayor
Town of Chapel Hill

Elected Members of the Town Council:

Ms. Flicka Bateman
Ms. Pat Evans, Mayor Pro Tem
Mr. Ed Harrison
Mr. Mark Kleinschmidt
Mr. Bill Strom
Ms. Dorothy Verkerk
Mr. Jim Ward
Ms. Edith Wiggins

Re: Proposed Rental Licensing Program

Dear Mayor Foy and Members of the Town Council:

From the information contained in the Memoranda of January 14, 2002 and January 23, 2002, I must presume that there is a need for **SOME POLICY** which will **POTENTIALLY** "protect the character and the stability of the Town's residential neighborhoods, while assuring renters that licensed rental units meet minimum housing standards."

However, I fail to see how "licensing" each rental unit and creating a public database will "protect the character and the stability of the Town's residential neighborhoods." It does have the potential, of course, - and undoubtedly the Town's desired effect -of **RAISING FUNDS TO SUPPORT** the monitoring of the rental facilities **IF, WHERE AND WHEN** complaints may be received.

Just as I do not object to the financial support (through our ever-increasing taxes) of the Police Department, the Fire Department and ambulance services to assure their response to me if and when I should need them, I do not object to a small licensing fee to support an office to handle complaints.

WHAT I **STRONGLY OBJECT TO** IS THE FORMATION OF AN **ACCESSIBLE DATABASE UNDER THE QUESTIONABLE UMBRELLA OF SERVING THE PUBLIC**. In reality, of course, the database is for the purpose of tracking the "annual licensing fees" to support the Office of Rentals and the Town of Chapel Hill, with an original proposed budget of \$92,300 the First Year! - including \$10,000 for "legal fees." This doesn't even include the Town Manager's oversight or the necessary supplies and postage necessary to maintain such an office! Even at \$92,000 it is not realistically budgeted! And most assuredly will increase.

*Mayor Foy,
Please restrict access to
database listing to Town Hall
inquiries and extend 750 sq feet
to accommodate the "accessory
rental units" (private homes) which
provide much affordable housing
in Chapel Hill.
Rhoda Wynn*

With space my husband Earl Wynn (a 38-year UNC professor) and I built for a growing family and hospitality to his students and faculty and (as an only child) for my parents' potential occupancy, I have been a landlady for over fifty years in two of the most prestigious neighborhoods in Chapel Hill – Greenwood for ten years and Lake Forest for thirty-nine years! Because the space is under my roof, it is necessary that I choose my tenants carefully and over those years I have never had a lease, nor needed one, and I have never had a complaint. Rather I have had tenants – including District Attorney Carl Fox, Dr. Douglas Esposito and Robert Lester, Social Services Attorney for Rowan County, Salisbury, -- who stayed for the whole of their student or single marital days in Chapel Hill. They enjoy the same heat, a.c., water, light and quiet quarters I do.

And, if the Town feels the necessity of keeping an OFFICE DATABASE, PLEASE, FOR GOODNESS SAKE, make it "publicly accessible" on inquiry at the Town Offices, NOT "PUBLICLY ACCESSIBLE AT THE CHAPEL HILL PUBLIC LIBRARY". I will not feel secure in knowing that anyone and everyone can identify my residence which does MAINTAIN "THE EXTERIOR DESIGN AND ENTRY LOCATIONS" "GIVING THE DWELLING THE APPEARANCE OF A SINGLE FAMILY DWELLING." as a multi-family home. Do you really propose a public database to destroy that appearance? REALLY!

With your proposal you have the potential of eliminating a large volume of "affordable housing," !! And the source of some income for persons, like me, who are remaining in our homes because the market "out there" is prohibitively expensive! Taxes, property insurance, OWASA, Duke Power, etc., etc. continue to increase! My rental allows me to remain in my home of 39 years and helps a young man or woman to live in quiet, safe "affordable" quarters while trying to complete his/her degree or subsist on an entry job.

In my age bracket I have friends who built homes to house their families in the 50s to 80s. Now, with empty nests, they have space to rent, most often AFFORDABLY. Occasionally that space is "spacious," exceeding 750 sq. feet, for the benefit of the tenant. I EARNESTLY ASK YOU TO REVIEW THAT PROVISION, TOO, IN YOUR PROPOSED POLICY!

IN SUMMARY, I am not happy with the whole licensing policy, but I am willing, if need be, to pay an annual licensing fee to support basically an office to handle the complaints which purportedly surface from other rentals, But, PLEASE, modify the compilation and utilization of the proposed PUBLIC DATABASE. And the maximum square footage.

I have been a resident of Chapel Hill since January 1, 1946, and I speak with the experience and love of the place. I hope you will find my reasoning has merit in your less-experienced approach to governing on this issue!

With sincere best wishes -- and hopes,

Rhoda Wynn

RECEIVED FEB 25 2002

(35)

Copy to Mayor &
Council
AA

Edgar A. "Bud" Parsons
1913 South Lakeshore Drive
Chapel Hill, NC 27514
919 942-5472
eaparsons@msn.com
February 22, 2002

Honorable Kevin Foy, Mayor
Town Council Members
Town Hall
Chapel Hill, N.C. 27514

Dear Members,

Proposed Rental Licensing Program; CREATING WORSE AND MORE PROBLEMS--

I. Not Complaint Driven. The January 23, 2002 summary of the subject program describes it as "complaint driven." It is not "complaint driven." For example, I have had a basement "mother-in-law-apartment" in my home for over 20 years. To my knowledge, there has never been a *complaint* by the tenant. Differences that may have occurred have been resolved by amicable discussions.

Nevertheless, myself and almost 3,000 other single and/or double occupancy units are now to be subject to a costly licensing, inspection, surveillance and certification program directed by an additional bureaucrat with a *starting* salary and benefits expense of \$38,000. Total first year costs are estimated at \$82,300. Those costs will increase inevitably. This entirely new program is to be initiated at a time of unexpected Town revenue shortfalls, and dollar shortages, that common sense would indicate retrenchments and cutbacks, not new taxpayer liability programs.

Please note the budgets do not include the costs of the Town Manager and associated staff. Those individuals do not work for free. Budget data are incomplete.

II. Make It Complaint Driven. If this program is truly to be "*complaint driven*," it is recommended that licensing and registration be restricted to rental units for which complaints have been registered. Such restrictions would not only (a) confine inevitably expanding bureaucratic invasions of privacy, but also (b) provide significant incentives for the private resolution of landlord-tenant differences. For unresolvable differences, we still have the police and the courts. *Limit the program to geographical areas, and types of units from which complaints originate.*

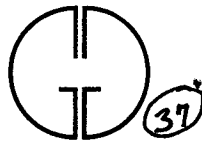
III. "Grandfather" Single Family Dwelling Units Without Restriction. Many large homes have been, and are continuing to be built in Chapel Hill. Historically, as the builder's children depart and for property tax-paying and other reasons, up to half of such large home floor space is converted to a single apartment. Such living space is an ideal source of "affordable" housing for which there is great need in Chapel Hill. It should be encouraged. Presently, the proposed option limits such space to 750 square feet; whereas many of the new and large homes in Chapel Hill are several thousands of square feet. As a minimum, increase the 750 to 1500 square feet. This is a complex subject, but with a simple solution.

IV. Relate Licensing and Program Costs To the Surveillance Work Required. The materials provided are silent as to the type of rental unit surveillance work required from this new bureaucracy. Does the anticipated "work load" originate from "dwellings (with) exterior design and entry locations (that) give the dwelling the appearance of a single family dwelling"? Or does the work load originate primarily from multi-unit apartments? The data indicate that approximately 30 per cent of the total units are of either one or two units. What fraction of the work load originates from this category? The licensing cost should somehow be related to the work load.

V. RECONSIDER PUBLIC AVAILABILITY OF REGISTRATION FILES, AND MAINTAIN PRIVACY OF SINGLE FAMILY UNITS WITH APARTMENTS. If you do not "grandfather" single family units to eliminate their registration and licensing, please consider *the invasion of privacy* you are creating by making available to the public a data base on private single family homes, accessible to the public at the library and through a web site, the phone numbers, e-mail addresses, Fax numbers, owner-occupancy status, presence of on-site manager, etc.

Information of this sensitivity is desired by telemarketers and solicitors with privacy-invading imaginations beyond description. It is also speculated that this information is of interest to the criminal element within Chapel Hill, or that visit "rich" Chapel Hill for unlawful purposes including robbery, fraudulent sales/services, and invasion of homes under false pretenses like those that recently resulted in the recent murders of two Dartmouth University professors. **READ THE CRIME REPORTS.**

These hazards are not imaginary and of no consequence, particularly to elderly single family property owners, and especially to widows, who depend on apartment income to pay for ever-increasing property taxes. Listing my single family home in such a data base may result in withdrawing my apartment, which I consider quite "an affordable housing" unit, much as I need the income for property tax payments. Were my wife to become a widow, she should not and will not consider renting under the circumstances you propose to create by this personally and financially hazardous public data base.



GRUBB PROPERTIES
CHARLOTTE, NC

March 13, 2002

Mr. Kevin Foy
Mayor
19 Oakwood Drive
Chapel Hill, NC 27517

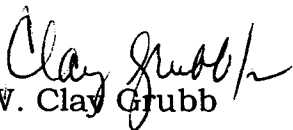
Dear Mr. Foy:

I am writing on behalf of our property, The Cottages at Glen Lennox. Glen Lennox is a property of 440 apartment homes built over 50 years ago. I sincerely sympathize with your current problem controlling residents occupying rental property owned by absentee landlords. I believe it is a problem which the town needs to address but I do not believe the "proposed rental licensing program" is the most affective nor is it equitable. Glen Lennox, being one of Chapel Hill's largest apartment communities, will be forced to contribute \$2,200 a year. Yet Glen Lennox has not contributed to the current problem. We struggle every year at Glen Lennox trying to keep up with the increasing costs of maintaining a fifty year old property and still provide a good value for our residents.

It would seem to me a more equitable program would be financed primarily by increased fines for non-compliance with the current laws. This would result in those landlords who are not maintaining strict rules and regulations being penalized not all the landlords.

I appreciate your support on this matter. Thank you.

Sincerely,


W. Clay Grubb

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