



General Government & Social Services Committee

August 16, 2022

Summary and Motions

Committee chair, Council Member Susan Lamb, called the meeting to order at 1:00 p.m. Committee members Vice Mayor Steve Kay and Council Members Richard Moloney, James Brown, Fred Brown, Whitney Baxter, Jennifer Reynolds, and Kathy Plomin attended the meeting.

I. Approval of June 14, 2022 Committee Summary

A motion by Kathy Plomin to approve June 14, 2022 Committee Summary, seconded by Liz Sheehan, the motion passed without dissent.

II. Code Enforcement Update

Council Member Whitney Baxter introduced the item. Director Olszowy shared that the COVID-19 pandemic allowed for an opportunity to conduct a deep dive into the technical side of Code Enforcement. He is bringing forward recommendations that would improve Code Enforcement's services and meet the intent of Code Enforcement's mission.

The authority and scope of Code Enforcement comes from Chapter 12-1 of the Code of Ordinances, which is based on the 2015 International Property Maintenance Code (IPMC). The amendments are sections that Code Enforcement has taken out of the IMPC and custom fit them to Lexington. This also includes an update to the Code Violations Library addendum.

Chapter 12-2 involves the nuisance section. In this section, the overgrowth/mowing rules have been modified. Strict adherence to the Code as it currently stands is unenforceable according to Director Olszowy. The changes made in Chapter 12-3 reflects Code Enforcement's move to the new Department of Housing Advocacy and Community Development. The update made in Chapter 17-162 is to change the 125% Area Median Income (AMI) to 80% AMI poverty guidelines.

The objective of bringing this to Council is to modernize and implement a realistic approach to the updating of the provisions and enforcement of property maintenance issues. While evaluating the current ordinances, they looked at the practicality and objectivity. The strict enforcement of tall grass and weeds violations is not feasible on certain types of lawns, especially on those areas that are currently not exempt. There is also a responsibility for maintaining abandoned parcels, but can be difficult to establish who is responsible for some parcels. Typically Code Enforcement has not been a maintenance division but an enforcement division. Currently, Code Enforcement is maintaining over 20 abandoned properties or foreclosed properties, which costs about \$20,000 of Code Enforcement's abatement budget. This is roughly 25% of Code Enforcement's abatement budget.

Additionally, the Codes need to be regularly reviewed and updated to stay in alignment with the statewide mandated Code. According to Director Olszowy, the Violations Library is archaic and contains redundancies and scopes beyond the intent of the minimum standards. Director Olszowy and his team went through the Code to remove ones that are no longer relevant or were redundant. Director Olszowy gave examples pertaining to mowing and wooded lots, and how the updated Code would impact those lots. Furthermore, he shared the specific changes to the Code of Ordinances.

The current Violations Library has 315 violations, with 98 existing in IPMC. The proposed library has 121 listed violations to supplement the IPMC violations. This results in a net reduction of 96. They also consolidated and/or eliminated redundant violation types. This could potentially decrease revenue, via collected fees, by \$12,000 to \$40,000 annually.

Moloney asked if the Code Enforcement Officers need to be annually certified. Director Olszowy said yes, they are certified every year. Moloney asked why Director Olszowy thought Code Enforcement and Building Inspection should be in different places. Director Olszowy said that they are essentially two separate disciplines with Building Inspection has criminal penalties and Code Enforcement has civil penalties. Additionally, Code Enforcement does not issue permits.

J. Brown asked what percentage of the lots LFUCG maintains are vacant lots and which of those are buildable/developable. Director Olszowy said of the twenty properties they are maintaining, eight of them are vacant. The challenge they are currently experiencing is finding/determining who the owner of the property is and citing the owner. There is a question on who maintains those properties and whose budget it comes from. Currently, Code Enforcement has been maintaining them out of necessity. J. Brown wanted to confirm that these changes won't impact vulnerable property owners. Additionally, J. Brown suggested there is an opportunity to use vacant land for affordable housing. Director Charlie Lanter said these changes will help vulnerable property owners because it decreases the number of violations. People will not be charged five violations for essentially the same issue.

Plomin asked if LFUCG has a list of lots that will not be maintained any longer because of the new language. Director Olszowy believes they have identified roughly 400 lots that are over an acre, that if they were to be abandoned or if the ownership were to be dissolved, it would be challenging to hold someone accountable for maintenance. We are currently seeing a trend of HOAs being dissolved or people are stepping away from ownership, and the current process isn't working. The changes shared today will help address some of these issues.

Moloney wanted to return to the conversation about low-income individuals who have a lot of fines. He believes that LFUCG should have the first option to purchase the lien. He is concerned that investors will pay off the liens and purchase the houses, which hurt those neighborhoods. David Barberie shared the different type of liens, like a tax lien for tax delinquency. However, in Code Enforcement, they do not lien a property for more than \$5,000. After, Code Enforcement will send it to Law and they will decide to take foreclosure action. Law has not been aggressive on the foreclosures in occupied properties because of the pandemic and current economic situation. If there is no structure or if it is vacant, they will file a foreclosure. Additionally, he said that if the property is a good property, the government won't be the highest bidder because of the current market.

Reynolds said that there are people who get citations, who subsequently don't have the funds to pay the citations, and then get pressure to sell. She asked how the government can help with this. Director Olszowy said all enforcement is to the owners only, not the occupants. This is because you cannot have a lien on an occupant. Director Lanter said his office is working on developing education material.

Vice Mayor Kay noted that there is a program that provides financial assistance. Director Lanter shared the Code Enforcement Housing Assistance Program helps owner occupied units and helps people address the issues, while also wiping their slate clean. There is an income qualification which is 80% AMI. There is \$200,000 in the pool and the average assistance is in the \$5,000 range. Vice Mayor Kay emphasized Code

Enforcement's responsibility is enforcement while other parts of government can mitigate the impact on homeowners.

Lamb asked Director Olszowy about timeline. He said the goal is for it to be in place by January 1, 2023.

A motion by Whitney Baxter, seconded by Fred Brown, to move forward the draft ordinance, the motion passed without dissent.

III. Items Referred to Committee

A motion by Liz Sheehan, seconded by Jennifer Reynolds, to remove Substance Abuse Intervention, the motion passed without dissent.

A motion by Whitney Baxter, seconded by Kathy Plomin, to remove the Update from Division of Code Enforcement the motion passed without dissent.

A motion by Kathy Plomin to adjourn at 2:23 PM, seconded by Jennifer Reynolds, the motion passed without dissent.

Meeting materials: <https://lexington.legistar.com/MeetingDetail.aspx?ID=909945&GUID=E129A841-15F8-4352-B583-0C9A1A9B2856&Options=info|&Search=>

Recording of the meeting:

https://fucg.granicus.com/player/clip/5623?view_id=4&redirect=true&h=9034de963b28822190cd493ec66ac655