SPECIAL DOVER HUMAN RELATIONS COMMISSION MEETING

MINUTES OF JUNE 13, 2013

CITY COUNCIL CONFERENCE ROOM, CITY HALL, DOVER

Present: Chairman, Roy Sudler, Jr., Ellen O. Wasfi, Dr. Linda Hackett, Justina H. Brewington, Faye Della White and Dr. Phyllis Edamatsu.
Absent: Vice Chair, Dawn Allen-Pyne

On June 13, 2013 @ 7:00pm at 15 Lockerman Street, Dover, Delaware [City Hall Chamber] the Dover Human Relations Commission conducted a special meeting titled: Landlord and Tenants Obligation to Adhere to Chapter 22-Building and Buildings Regulations, Article X – Rental Dwelling [Amended] New City Ordinance #3014-04 Section :22-331 Adopted April 8, 2013.

The purpose of this meeting is to review the rules and regulations of newly adopted City Ordinance #2013-04 section 22-331-373; in an effort to mitigate ambiguity of landlord and tenants obligation to manifest a safe rental dwelling climate that deters delinquent behavior and the commission of criminal enterprises in quest of eradicating undesirable tenants and their guest who engaged in unlawful activity throughout the City of Dover.

The Goal, to promote cleaning up our streets together by fostering a philosophy of inclusiveness as City Officials work together to implement a new ordinance that address curing defective conditions and social problems that contribute to a decrease in the quality of renting, living and vision for the City of Dover. In addition, to increase the caliber of communication and compliance while decreasing reservation between Dover Residents and City Code Enforcement Agencies through good faith and positive dialogue.

The Commission is authorized to investigate the merit of alleged discrimination claims and disputes within the City of Dover and make recommendations for action to alleviate such intergroup conflict.

The final determination of action will be decided by the Mayor and Dover City Council.

1. **Call to Order/Roll Call:** Chairman, Roy Sudler, Jr. called the Dover Human Relations Commission Special Meeting to order on this day, Thursday, June 13, 2013 at 7:00 p.m.

2. **Approval of Agenda**

   Chairman Sudler asked for a motion to accept the Agenda of June 13, 2013.

   Commissioner Ellen Wasfi motioned to accept the Agenda of June 13, 2013

   Dr. Linda Hackett second.

   Motioned carried.

3. **Moment of Silence:** was observed.

4. **Presentations - Landlord and Tenants Obligations Pursuant to City of Dover Ordinance #2013-04 (Adopted April 8, 2013) which Amended Chapter 22-Buildings and Building Regulations, Article X – Rental Dwellings of the City of Dover Code**

On April 8, 2013, City Council adopted Ordinance #2013-04 implementing the Safe Communities Program to help ensure that rental housing in the City of Dover is not the source of criminal activity. The staff presentation will provide citizens with an overview of the ordinance and a review of the Police Department's role in enforcing compliance. Citizens are encouraged to attend to learn how this tool can be used to improve their neighborhoods.

A. City of Dover Department of Planning and Inspections – Ann Marie Townshend, Director

a. Overview of Ordinance #2013-04 – Ms. Townshend gave a brief PowerPoint presentation overview of the Ordinance and distributed copies of the Ordinance and Lease Addendum.

Ms. Townsend explained that this ordinance was developed with the Police Department, the Department of Planning and Inspection and City Council. The idea of the ordinance was for those individual tenants and their guess that live in rental properties causing problems by being involved in criminal activity and the deterioration of neighborhoods in the City of Dover. It was said that we are ending up having more homeowners leaving causing value loss in the neighborhoods giving us more renters than owners which is a hard factor to turn around. This problem has been found in neighborhoods throughout the City.

Ms. Townsend mentioned that the City is required to hold a seminar twice a year for landlords. She also stated that a seminar was held for landlords at the police department in April which received positive feedback. The seminar was geared to help the landlords screen their tenants better and to help them avoid getting their evictions thrown out of court because of not following proper procedure.

What comes next? - A mailing of the Lease Addendum to all landlords with permits for the implementation of the signed lease addendum.

Commissioner Wasfi asked how they disseminate information to let the people know of the training.
Ms. Townsend replied that individual mailing went out to all landlords in the city with permits.
Commissioner Wasfi asked how are the tenants being made aware of this information and if notices can be posted in buildings to make the tenant aware
Ms. Townsend replied that this is an area that they need to work on

Commissioner Brewington asked about the landlords who do not have permits and how are they made aware.
Ms. Townsend said this is an issue but they have ways to identify those individuals.

Dr. Hackett stated that the tenants need to be made aware as well as the landlords and wanted to know if this information was placed in the tenant's utility bill.
Dr. Hackett asked what the procedure was with obtaining and discontinuing utilities
Ms. Townsend stated that the tenant needs to show a signed lease addendum
Dr. Hackett asked what if the utilities are under the owner's name
Dr. Hackett also asked if businesses are accountable to this same ordinance
Ms. Townsend stated not yet.

Chairman Sudler asked how people are with mental issues handled

Ms. Townsend stated that it all depends on the event.
Chief Hosfelt shared that the ordinance was not geared to those with mental issues or victims of domestic violence or children with behavioral issues.

Commissioner Brewington asked if the ordinance apply to single family homes and developments as well as apartment complexes.
Ms. Townsend stated yes as long as it is a rental property.

Chairman Sudler opened the floor for any more related questions and thanked Ms. Townsend for her presentation.

Ms. Townsend concluded her presentation by informing the group that more information can be found by visiting their website at CityofDover.com./safe-communities.

CITY OF DOVER
ORDINANCE #2013-04

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 22 – Buildings and Building Regulations, Article X – Rental Dwellings be amended to read as follows:

DIVISION 1. – GENERALLY

Sec. 22-331. - Purpose; applicability; definitions; compliance.

(a) *Purpose.* The purpose and intent of this article is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of dwellings operated for lease to the public. The health, safety and welfare of the occupants of the dwellings are of the utmost importance to the city, as is the general community character in which these dwelling units are located.

(b) *Applicability.* The provisions of this article shall apply to all matters affecting or relating to rental dwellings. Where, in this article, different sections of this Code may specify different requirements, the most restrictive shall govern.

(c) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) *Criminal activity* is defined as any crime classified by applicable law as a (a) felony, (b) Class A misdemeanor, or (c) any of the following offenses: any drug offense defined by Title 16 of the Delaware Code, and the following misdemeanors in addition to any Class A misdemeanor, as defined by Title 11 of the Delaware Code: §601-offensive touching, §602-menacing, §628-vehicular assault 3, §763-sexual harassment, §764-indecent exposure, §811-criminal mischief, §812-graffiti, §820-trespassing, §821/2/3-criminal trespassing, §1105- crime against a vulnerable adult, §1106-unlawfully dealing with a child, §1301- disorderly conduct, §1313-malicious interference with emergency communications, §1315-public intoxication, §1321-loitering, §1322-criminal nuisance, §1323-obstructing of public passage, §1341-lewdness, §1342- prostitution, §1343-patronizing a prostitute, §1445-unlawfully dealing with a dangerous weapon, §1446-unlawfully dealing with a switchblade knife.

(2) *Dwelling unit* means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(3) *Multiple-family dwellings* means dwelling units operated as a group, and located in the same building. This shall include apartments,

roominghouses, condominium dwelling units, and accessory apartments located within structures principally used for owner occupancy.

(4) *Rental dwelling* means a dwelling unit that is leased for occupancy to a person or persons in exchange for monetary payment or provision of goods or services to the owner of the dwelling unit.

(5) *Single-family dwellings* means dwelling units operated singly, and separated from other units. In general, this definition shall apply to single-family detached dwellings, including mobile homes, and attached units, including duplexes, and townhouses.

(d) *Compliance required.* No person shall operate, occupy or let to another for occupancy any dwelling which is not in compliance with the International Property Maintenance Code adopted in section 22-221 and all other applicable codes.

Sec. 22-332. - Inspection required.

(a) The code enforcement office, in accordance with the procedures set forth in the International Property Maintenance Code adopted in section 22-221, shall inspect rental dwellings for compliance with the property maintenance code and all other applicable codes to ensure compliance.

(b) Following an inspection, the code enforcement office shall issue a letter and/or report of any code violations and provide a timeline for compliance. There shall be no fee for the first followup inspection. Each subsequent reinspection shall be subject to a fee as provided for in Appendix F—Fees and Fines.

Sec. 22-333. - Agent required.

(a) *Property manager.* Any owner of a rental dwelling, residing outside of the county, shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other rental real estate for a fee and who resides in the county acting as a property manager. The property manager, including family members and designated individuals, shall have charge, care and control of the rental dwelling, and shall provide access to the rental dwelling for inspection, upon request by the building inspector or city planner, within a reasonable time.

(b) *Corporate or partnership owners.* Any corporation or partnership owning a rental dwelling shall have a designated member, partner, or employee having charge, care, and control of the rental dwelling. The designated member, partner or employee shall reside in or have an office located in the county, or shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other rental real estate for a fee, and who resides in the county, acting as a property manager. The property manager, family members or other designated individuals shall have charge, care and control of the rental dwelling,

and shall provide access to the rental dwelling for inspection, upon request by the building inspector or city planner, within a reasonable time.

Secs. 22-334—22-350. - Reserved.

DIVISION 2. - PERMIT

Sec. 22-351. - Generally.

(a) *Single-family dwellings.* It shall be unlawful for any person to operate any single-family rental dwelling without obtaining a permit from the licensing division of the department of planning and inspections in order to determine compliance with the appropriate provisions of this article. The permit shall expire annually on January 31. The fee for the annual permit shall be as provided for in Appendix F—Fees and Fines. The permit fee for rental dwelling permits issued after January 31st will be prorated from the date the permit is issued until the next January 31st.

(b) *Multiple-family dwellings.* It shall be unlawful for any person to operate any multiple dwelling without first obtaining an annual permit therefor from the licensing division of the department of planning and inspections in order to determine compliance with the appropriate provisions of this article. The permit shall expire annually on January 31, and the fee for the annual permit shall be as provided for in Appendix F—Fees and Fines. The permit fee for rental dwelling permits issued after January 31st will be prorated from the date the permit is issued until the next January 31st.

(c) *Late payment penalty.* In the event that the permit fee set forth herein is not paid on the date due, then the permittee shall incur a penalty fee as provided for in Appendix F—Fees and Fines until the same is paid.

(d) *Reinstatement fee.* An owner whose permit has been suspended in accordance with section 22-352 shall pay a reinstatement fee as provided for in Appendix F—Fees and Fines.

(e) *Lien.* In the event that the property owner fails to pay said fees within 30 days from the date a notice thereof is mailed to the owner, then such fees shall be entered in the municipal lien docket as a lien owing the city; and the same may be turned over to the city solicitor for collection.

(f) *Utilities.* The owner or occupant of any rental unit shall not be entitled to receive city utilities until the permit fee required in this section is paid in full and city personnel shall refuse to provide sewage, water and electricity to the property until satisfactory proof is furnished that such permit fee has been paid.

Sec. 22-352. - Suspension.

(a) *Grounds; duration.* The building inspector shall suspend the permit issued or withhold the permit paid for, pursuant to this division, when:

(1) The building inspector determines that any dwelling or the premises surrounding the dwelling fails to meet the requirements of this chapter or any rule or regulation issued pursuant thereto;

(2) The failure of the property owner or property manager to initiate and prosecute in good faith eviction proceedings following notification by the City that the terms of the safe communities lease addendum have been violated; or

(3) The failure of the property owner or property manager to attend a safe communities seminar when required by §22-371(b).

Suspension shall last until the violations have been corrected to the satisfaction of the building inspector, or the suspension shall have been reversed.

(b) *Notice of violations.* Upon suspending any permit under this section or withholding the permit paid for, the building inspector shall notify the owner of the violations of the applicable code and shall prescribe a period in which the violation shall be corrected.

(c) *Appeal.* Any owner or operator of any dwelling, whose permit to operate the structure is suspended by the building inspector pursuant to the procedures of this section, shall have the right to appeal and notice as provided in section 22-225

(d) *Effect of appeal.* Upon suspension of a permit, or withholding of a permit ordered by the building inspector and upon the permittee serving the city clerk with a notice of appeal pursuant to section 22-225, the permit suspension shall be stayed and an existing permit shall remain in force until the appeal is decided.

Secs. 22-353—22-369. - Reserved.

DIVISION 3. – SAFE COMMUNITIES

Sec. 22-370 Criminal activity

Tenants of rental dwellings, any member of the tenant's household, any guest or other person under the tenant's control shall not engage in criminal activity on or within 500 feet of the lot on which the rental dwelling resides.

Sec. 22-371. – Safe communities seminar.

(a) The City of Dover police department shall offer a safe communities seminar a minimum of two times each calendar year. The seminar shall be voluntary, except in the following circumstances:

(1) When a rental dwelling permit has been suspended in accordance with Section 22-352, the property owner or manager shall attend the seminar prior to reinstatement of the suspended rental dwelling permit; or

(2) When a rental dwelling has been the subject of response by the police department on three or more occasions within a six month period, due to

occasions where the tenant, any member of the tenant's family, or any guest or other person under the tenant's control have engaged in criminal activity, the property owner or managers shall attend the seminar.

(b) Upon notification by the chief of police that the safe communities seminar is required in accordance with subsection 2 above, the department of planning and inspections shall notify the property owner and/or property manager that he is required to attend the next scheduled safe communities seminar. Such notice shall be sent by U.S. Mail, evidenced by Certificate of Mailing to the property owner and property manager if a property manager is on record with the department of planning and inspections.

Sec. 22-372. – Safe communities lease addendum.

(a) All residential leases shall include a safe communities lease addendum, signed by the property owner and tenant, in the following form:

In addition to all other terms of the lease, landlord and tenant agree as follows:

(1) The tenant, any member of the tenant's household, any guest or any other person under the tenant's control on or within 500 feet of the leased premises:

i. Shall not engage in criminal activity, including drug-related criminal activity, on or within 500 feet of the leased premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession of any illegal or controlled substance defined by 16 Del.C. Ch. 47.

ii. Shall not engage in any act intended to facilitate criminal activity.

iii. Shall not permit the dwelling unit to be used for or to facilitate any criminal activity.

(2) Any activity prohibited by the safe communities lease addendum shall constitute a substantial violation of the lease, material noncompliance with the lease, and grounds for termination of tenancy and eviction.

(b) The department of planning and inspections shall provide the safe communities lease addendum.

(c) An executed copy of the safe communities lease addendum shall be required for all rental dwellings in the City of Dover prior to establishment of a utility account for the premises.

Sec. 22-373. – Eviction Required.

(a) If the tenant, any member of the tenant's household, any guest or other person under tenant's control engages in criminal activity as defined by §22-331(c)(1) and Chapter 22 – Buildings and Building Regulations of the Dover Code on three or more occasions within a 12-month period, the chief of police shall notify the department of planning and inspections to initiate the safe communities lease termination notice procedure directing the property owner or property manager to terminate the tenancy in accordance with subsection (b).

(b) Upon notification by the chief of police that termination of tenancy is required in accordance with subsection (a), the department of planning and inspections shall notify the property owner and property manager that they have 30 days to initiate the eviction or otherwise terminate the tenancy. Such notice shall be sent by U.S. Mail, evidenced by Certificate of Mailing, to the property owner and property manager if a property manager is on record with the department of planning and inspections.

ADOPTED: APRIL 8, 2013

SYNOPSIS

The proposed ordinance adds the requirement that landlords participate in a safe communities program that includes participation in a safe communities seminar offered by the Dover Police Department and including a safe communities addendum to leases. In addition, the proposed ordinance allows for prorating of rental permit fees for permits purchased after the beginning of the permit year.

Actions History

April 8, 2013	-	Final Reading by City Council
March 25, 2013	-	Reconsidered by City Council
March 11, 2018	-	Reconsidered by Legislative, Finance, and Administration Committee
February 11, 2013	-	Reconsidered by the Legislative, Finance, and Administration Committee and referred back to staff
January 28, 2013	-	Considered by Council and referred back to Committee for further review
January 14, 2013	-	Introduced at Legislative, Finance, and Administration Committee

CITY OF DOVER, DELAWARE
SAFE COMMUNITIES LEASE ADDENDUM

In consideration of the execution or renewal of a lease of the dwelling unit identified in the lease, Owner and Tenant agree as follows:

1. Tenant, any members of the tenant's household, or a guest or other person under the tenant's control shall not engage in criminal activity, including drug-related criminal activity, on or within 500 feet of the leased premises.

    a. Criminal activity is defined as any crime classified by applicable law as a (a) Felony, (b) Class A Misdemeanor, or (c) any of the following offenses: any drug offense defined by Title 16 of the Delaware Code, and the following misdemeanors in addition to any Class A misdemeanor, as defined by Title 11 of the Delaware Code: §601-offensive touching, §602-menacing, §628-vehicular assault 3, §763-sexual harassment, §764-indecent exposure, §811-criminal mischief, §812-graffiti, §820-trespassing, §821/2/3-criminal trespassing, §1105-crime against a vulnerable adult, §1106-unlawfully dealing with a child, §1301-disorderly conduct, §1313-malicious interference with emergency communications, §1315-public intoxication, §1321-loitering, §1322-criminal nuisance, §1323-obstructing of public passage, §1341-lewdness, §1342-prostitution, §1343-patronizing a prostitute, §1445-unlawfully dealing with a dangerous weapon, §1446-unlawfully dealing with a switchblade knife.

    b. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in 16 Del.C. Ch. 47).

2. Tenant, any member of the tenant's household, or a guest or other person under the tenant's control shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or within 500 feet of the leased premises.

3. Tenant or members of the household will not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity, regardless or whether the individual engaging in such activity is a member of the household, or a guest.

4. Tenant, any member of the tenant's household or a guest, or another person under the tenant's control shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance as defined in 16 Del.C. Ch. 47 at any locations, whether on or within 500 feet of the dwelling unit premises or otherwise.

5. **VIOLATION OF THE ABOVE PROVISIONS SHALL CONSTITUTE A SUBSTANTIAL VIOLATION OF THE LEASE, MATERIAL NONCOMPLIANCE WITH THE LEASE, AND GROUNDS FOR TERMINATION OF TENANCY AND EVICTION**.

A single violation of any of the provisions of this added addendum may be deemed a serious violation and a material and irreparable non-compliance.

6. In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of the addendum shall govern.

7. This LEASE ADDENDUM is incorporated into the lease executed or renewed this day between Owner and Tenant.

_____ Date:
Tenant Signature

_____ Date:
Tenant Signature

_____ Date:
Tenant Signature

_____ Date:
Property Owner/Property Manager's Signature

B. City of Dover Police Department – James Hosfelt, Chief

a. Police Chief Hosfelt shared the Dover Police Department's role in enforcing Ordinance #2013-04.
Chief Hosfelt stated that he thinks the new ordinance will be a benefit to the community as a whole. This ordinance is only to target criminals. He desires a safe community of everyone. The quality of life unit is there to address those issues that interfere with our quality of life. It could be a problem tenant, nuisance, loud music, riding bikes on the sidewalk small issues. We will track and document problem tenants through a complaint log. This ordinance will be an asset for the City of Dover. The ordinance is looking for people who do not comply with the lease addendum.

Commissioner Brewington asked what you do about programs to accommodate criminals in the City of Dover.
Chief Hosfelt said he does not have the answer to that question.

Commissioner White asked Ms. Townsend how you deal with programs that receive funding and bring an element of crime into the community.
Ms. Townsend stated this is a gap that needs to be tightened up in the ordinance.

Dr. Hackett asks how the ordinance affects the single mother who is having issues with her child.
Chief Hosfelt stated that the way the ordinance is written it will affect her greatly. It was stated that she would be held accountable for her child's actions regardless of age.
Dr. Hackett stated that there are good parents that have trouble controlling their children and some type of program to help these parents needs to be established.
Dr. Hackett stated that she hopes the new ordinance works.

Commissioner Wasfi asked who falls under the guidelines of participating in criminal activity, especially in cases where a person is coming out of the prison system that paid their debt to society and in need of a place to reside. Would having a record be a mark against you when renting?
Ms. Townsend stated that some landlords won't rent to someone with a criminal history but that is their prerogative.
Commissioner Wasfi stated that concerns her.

Chairman Sudler suggested that maybe the DHRC can partner with the Dover PD, City Planning and Council to hold a program that can assist in the quality of living were parents and family members can get training in the City of Dover.

Chairman Sudler thanked all who came out to review the ordinance.

5. Public Comments:

Chairman Sudler opened the floor for anyone from the community with a question regarding the ordinance being a renter or landlord – there were no question asked from the community.

6. **Adjournment : Commissioner Sudler** asked for a motion to adjourn the meeting

Commissioner White made motion for the meeting to be adjourned

Commissioner Brewington second.

Motion carried.

Meeting adjourned at 8:00pm

Respectfully Submitted,

Belinda Talton