

**TOWN OF BLACK MOUNTAIN  
HOUSING COMMISSION  
MINUTES OF REGULAR MEETING  
April 21, 2009**

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The **Black Mountain Housing Commission** held its regular monthly meeting on **Tuesday April 21, 2009 at 10:00 a.m.** in the Public Safety Building, 106 Montreat Road, North Carolina. The Board of Aldermen has been invited to attend this meeting and may participate in discussions of the proposed Minimum Housing Code.

**I. CALL TO ORDER**

The meeting was called to order by Chair Joanne Brannon with the following members present:

Joanne Brannon, Chair  
Ellen Farrior, Vice Chair  
Dorothy Jones  
Ronald Krantz  
Connie Pruitt  
Jessie Sherrill  
Dawn Wilson

Staff:

Elizabeth Teague, AICP, Planning Director  
Rosa B. Hilbert, Senior Administrative Assistant

Other (s)

Mayor Carl R. Bartlett  
Vice Mayor C. Michael Sobol  
Alderman Joan Brown  
Alderman Rosalie Phillips  
Marcia D. Onieal, Town Manager  
Bob Gunn  
David Hicks  
Ray Lamm  
Ames Tryon

Chair Brannon declared a quorum present and the meeting was duly constituted and opened for business.

**II. ADOPTION OF AGENDA**

Connie Pruitt made a motion to adopt the agenda as written. Dot Jones seconded the motion and it passed unanimously.

**III. ADOPTION OF MINUTES**

Connie Pruitt made a motion to adopt the minutes of March 17, 2009. Dot Jones seconded the motion and it passed unanimously.

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**IV. OLD BUSINESS**

Minimum Housing Code Discussion

Chair Brannon said the Housing Commission has worked on the Minimum Housing Code for a long time and it does reflect concern and consideration for the quality of housing that residents may have in the Town. She welcomed input from the boards and the audience about the proposals that have been presented.

Vice Chair Farrior distributed copies of a news article dated April 19, 2009 in the Asheville Citizen-Times about rentals being "*Out of Reach*". She said that the concept of revival of communities is not just money; it means efforts by the people in the community to address issues that will make life easier. The concept that the Housing Commission has been discussing over a period of time of being sure that rental properties are safe and healthy is one that can be addressed without an enormous expenditure of money. She feels that the article is timely in that it addressed today's issues with housing.

Elizabeth Teague, Planning Director, said that the Minimum Housing Code is not a new ordinance. The ordinance is in existence now and the Housing Commission raised the concern that it is complaint driven. Regulations are in place that requires certain safety standards for rental housing. She explained that unless someone actually calls the building inspector with a problem, the Town has no way of knowing whether or not it is rental housing. There is concern that folks living in substandard rental housing are often afraid to formally complain out of fear of losing their rental property or getting in trouble with their landlord. The Commission's goal in trying to come up with a recommendation for documentation of safety was to put the responsibility back on the landlord to assure the Town government that they are meeting the standards of safety.

Ms. Teague said there were varied responses to the proposed Minimum Housing Code from landlords; some property managers said it was helpful because it would allow them to assure the renters that the properties they are representing are meeting a certain level of standard; other property owners/managers felt that the proposal would make it more difficult to keep their rental properties affordable because it would cost them more money to provide documentation or allow an inspector come in. If repairs were needed, it would cost additional money and if that is the case, the cost would have to be passed on to their renter.

Ms. Teague encouraged using this time for folks in favor of and in opposition to the proposal to voice their opinions. She reviewed Section 2.2.3 Minimum Standards for Fitness for Dwellings and Dwelling Units. The Safety Checklist was reviewed by the Housing Commission and the Building Inspector and serves as a guideline for walk-thru inspections to make sure the minimum standards of safety and the housing code are met.

Ms. Teague said the requirements are for documentation. The property owner can hire an independent inspector or the Town Building Inspector can perform the inspection for a fee of \$50 which is the same fee for all other inspections. Ms. Teague said the inspection is an option if the landlord cannot provide Certificate of Occupancy documentation such as the "red label" for a manufactured home or Certificate of Compliance for Section 8 housing.

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Mayor Bartlett feels that most housing would fall under Section (d). He said that outside home inspectors can be expensive. Ms. Teague said that the initial inspection fee is \$50 if the Town Inspector is called. If a problem is found, the property owner is expected to fix it, but the present proposal does not include a re-inspection fee. She emphasized that the intent is to give adequate time for the problem to be resolved. Ms. Teague said that the Town Building Inspector and another staff will complete the inspections and there is a three year timeframe to provide updated documentation of safety. The intent is to bring everything up to code and monitor it to protect our rentals. Ms. Teague said the most common violations are related to the fire inspection.

Vice Mayor Sobol gave some background information about his involvement with the Housing Commission. It is his understanding that there may be issues with a few people but it does not compare with the magnitude of how it affects other rentals. Anytime a landlord spends more money, the costs are passed on to the renters. He distributed copies of North Carolina's Residential Rental Agreement Act addressing landlords and tenants. He said that the City of Asheville eliminated the Minimum Housing Code altogether because it is complaint driven, the renters already have the rights to proceed, problems are addressed and because it was a bureaucratic nightmare.

Connie Pruitt, a former Planning Board member, said that some of the knowledge about substandard housing came from driving around and observing properties in disrepair. She said the Board felt that it had a sense of responsibility to protect the community. She said from past experience as a renter, that there is a large percentage of renters who have no idea what is available to protect them. She feels that the Town would do a service to make information available but does not feel that there is a need to eliminate the Minimum Housing Code.

Vice Mayor Sobol questioned whether there is a need for the Minimum Housing Code. Housing Commission Vice Chair Ellen Farrior responded that it makes sense to emphasize prevention rather than waiting for something to warrant a complaint.

David Hicks, 102 Valle Vista Drive in Black Mountain, NC said that he is a landlord with 8 rental units in the Town of Black Mountain. He feels that driving around and observing property is not an adequate process to determine whether property is substandard. He feels that an inspector should be hired to do the job. If an inspection is required and something needs to be fixed, the landlord cannot rent the house or apartment until a Certificate of Occupancy is issued which would result in a loss of income until the re-inspection is completed. This process could take up to 30 days. He feels that the proposed ordinance would make unfair requirements of landlords who are doing the right thing.

Mack Padgett of Avena Road asked how do you know if the property in disrepair that was observed from driving around is a rental. He said that a landlord who owns a trailer park may only rent the lot and the dwelling is owned by the renter. The landlord is not responsible for the upkeep of the trailer. Mr. Padgett does not feel that there is a problem in the Town of Black Mountain. He said that if a landlord has a substandard dwelling, he will not be able to rent it.

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Dawn Wilson, realtor and Housing Commission member, said that she is aware of many dwellings that are substandard but renters are not willing to speak out or complain about conditions because they are desperate for housing. They do not want to face the possibility of an increase in rent or eviction and most do not have another place to live. As a realtor selling a house, she has to disclose whatever problems are observed to all parties involved in the transaction.

Ms. Teague said there are three options; accept the proposal, reject the proposal, or make changes to the proposal. The Planning Board considered the idea of making compliance voluntary instead of required. A property could get a certification from the town that it has been inspected and had achieved the level of the Letter of Safety. The Board discussed ways that the property owner could use this action as a way to attract desirable tenants.

Mayor Bartlett said he is concerned about the fire and safety regulations and would like to see a process that the Town can be assured that landlords are in compliance with the safety standard laid down by the state. The boards had a lengthy discussion about safety standards and the process after the Town receives a complaint.

Bob Gunn, 109 Pleasant Drive said that his experience tells him that many times the best intentions end up with unintended consequences. He expressed concerns at the Board of Aldermen meeting about the economic and financial well-being of the Town. He feels that it would be burdensome on the Town financially to hire another inspector. He feels that there may be unintended consequences for the renters, in the event of increased rent. Mr. Gunn is in favor alternatives without creating more bureaucracy, costs to landlords, tenants and the Town.

Vice Mayor Sobol believes that part of the problem is in the interpretation of the ordinance. He said that there could be a lot of expense in remedying or correcting a violation. The Board discussed the Rental Structure Safety Checklist and advised that any property approved for HUD - Section 8 funds would comply with the items on the checklist.

Chair Brannon asked to hear from other members present who had not yet had a chance to speak. Ron Krantz, Housing Commission member, feels that we are talking about ethical and moral obligations to take care of those who are less fortunate. He said that there is a need for guidelines and regulations to protect the renters. He said the Housing Commission brought this document together because there are unscrupulous landlords who take advantage of poor people. Landlords who are fair and honest have nothing to worry about but there are landlords who do not care that their renters live in substandard housing, as long as they can get the highest rent possible.

Mayor Bartlett said he would like to see the landlord and the tenant sign off on the checklist that all safety requirements have been met with regard to smoke and carbon monoxide detectors. Ms. Teague said that the ordinance was updated to reflect the state building code for radon detectors.

Chair Brannon concluded the meeting by reading Section 31.51 Housing Commission Statement of Purpose in the Town Zoning Ordinance. She feels that Section (B) help develop an ongoing strategic plan for preserving present housing stock by rehabilitation of older houses and

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development of new housing for middle and lower income citizens, is the driving force behind the proposed Minimum Housing Code.

**V. ADJOURNMENT**

The meeting adjourned by consensus at 11:15 a.m.

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Joanne Brannon, Chair

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Rosa B. Hilbert, Senior Administrative Assistant