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**CITY OF PORTSMOUTH
HEALTH DEPARTMENT**

605 WASHINGTON STREET
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July 31, 2006

Honorable Mayor Jim Kalb
728 Second Street
Portsmouth, Ohio 45662

Re: Correspondence from Councilman Mollette ---Rental Licensing Program

I am responding to the attached June 30, 2006 correspondence from Mr. Mollette for your consideration.

Mr. Mollette advises that the first step to solving the problem is to seek to understand. I am confident that my 26+ years in the Portsmouth City Health Department working with owners of rental property on a daily basis has given me an extraordinary understanding of the problem. In addition, my formal education provided a good foundation upon which to build further knowledge in this profession. I think there are other employees of the city who think the same about themselves. I think that our opinions should be given credence as much as the landlords of this city. The following list is a brief summary in my understanding of the problem.

1. Landlords often allow tenants to move into substandard housing free of rent on the condition the tenant make needed repairs. This may take several months or in some case, not at all. Meanwhile, you have children living in substandard and dangerous housing until they are removed by Children's Services.
2. Obsolescence is another factor that causes blighting. For example, the east side of town where several businesses once flourished originally was a good residential district convenient to work and business. The spillover of business (Williams, Dayton-Walther, Mitchellace) may have made housing less desirable. People desiring quiet and privacy moved. Owners were hesitant to continue maintenance work and buildings deteriorated. The landlord, to maintain income must convert the entire building to commercial use or lower rent to attract lower-income

tenants. When the landlord converted, more people leave. If he lowered the rent, maintenance of the building was reduced still further and overcrowding of apartments followed. The progressive degradation of the community was inevitable. As blight spread, so did crime, delinquency, disease, fire, housing decay, and welfare payments.

3. The absence or failure to enforce suitable zoning, building, sanitary, and health regulations leads to poor housing areas. Add to this, small lots, cheap and converted dwellings that are poorly located and renovated, just barely meeting minimum requirements and this has led to blight.
4. There has been an absence of long-range planning for the city of Portsmouth. When was the topic of attracting business or community growth a priority on the agenda for our legislators?
5. Many owners move to another state with no one to care for their property where it continues to deteriorate without recourse through our current code.
6. There comes a time in the ownership of income property, particularly when the return begins to drop off. This may be due to obsolescence, reduced rents, or an increase in operation and maintenance costs, including utilities, fuel, and taxes. When this happens the property may be unloaded or abandoned with further deterioration. Often this leaves the city responsible for costs of demolition.

I agree that Portsmouth does not have the same need for implementing a rental licensing program as Athens. However, beneficial outcomes are the same. I'm sure the community of Athens was quite pleased with improvements to their community that they did not even expect. Portsmouth would be conducting nearly as many inspections as Athens with our number of renter occupied units at 4267 compared to their number of units at 4401.

The rental property is mostly responsible for blighted conditions in our community. Research from health department complaint logs revealed 70% of complaints originated from rental property. 10 % was unidentified and 20 %owner occupied.

As far as Mr. Mollette's opposition to the 2006 operating budget, I cannot address that. However, if I am correctly inferring his comments, it has been made clear from the beginning that monies secured from the rental program would go directly into the health department budget to conduct the rental licensing program.

I am not aware of Mr. Mollette's request for information in the April 20, 2006 (#06-033) letter. If I may be of assistance, please let me know. The Health Commissioner has invited all council members to ask questions to assuage their concerns. Some have responded and we were delighted.

I disagree that an advisory group be established which is made up primarily of rental property owners. (Talk about the fox watching over the hen house) I think one representative from the rental business is sufficient. I would include an individual from the engineering, health, fire, police, service, legal, and community development.

The health department has already established a plan with well defined goals. However, a schedule for implementation has been changed several times because the subject receives no action in council. The health department submitted information relative to required revenues, expenditures and resources needed to enforce the code, including when violations are disregarded.

Sufficient evidence and information has been presented several times to Council so they can make an informed decision. I agree that for any program, in order to be successful, must be clear, deliberate and well documented to achieve the desired goals. However, action is also required.

The Health Department is committed to public health and will continue to investigate and remediate housing complaints while awaiting Council's direction for a rental licensing program.

Once again, if we may be of further assistance, please contact Don or me.

Sincerely,

A handwritten signature in cursive script that reads "Peggy Burton, R.S." The signature is written in dark ink and is positioned above the typed name.

Peggy Burton, R.S.
Director, Environmental Health

Pjb/cn

Cc: Council (6)
David Kuhn, Solicitor
Trent Williams, Auditor
JoAnn Aeh, Clerk
File

Bob Mollette

3rd Ward Councilman

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Portsmouth, Ohio 45662

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Correspondence#: 06-047

June 30, 2006

Jim Kalb, Mayor
728 Second Street
Portsmouth, Ohio 45662

Re: Rental Licensing Program

In response to your letter dated June 23, 2006 requesting an immediate response from Council members I am submitting the following list of comments for your review and reflection.

Seek to understand the problem. This is the first step to solving the problem. I am not convinced the City of Portsmouth has the same needs as the model used for the City of Athens, Ohio. The Athens 2000 Census has a population of 25,000 people which includes 19,000 students. The average age is 22 years old. The reason Athens implemented the rental licensing program took into consideration that students may not be cognizant of safety and the disregard for over occupancy in a dwelling. Athens inspects 4,700 to 4,800 rentals units every two (2) years, which reflects seventy percent (70%) of the total housing in Athens, Ohio.

In Portsmouth, which properties, the rental properties or the home owner properties, are primarily contributing to the blighted conditions in our community? To better understand what is taking place in our city we must first identify several targeted areas, study these areas to determine the cause of decline to blighted conditions and identify why these conditions are allowed to exist in our city. Not analyzing the problem effectively may compound the problem without providing a viable solution.

The numerous unresolved concerns expressed by your constituents living in the 3rd Ward and the lack of communication to resolve those concerns as documented on my website www.mollette.info (*Letters Page*) deflects my support until the problem is adequately defined.

I have been very candid concerning my opposition to implementing the 2005 Rental Licensing *Fees* and the 2006 Rental Licensing *Program* based on the above concerns. Keep in mind, I did not support passage of the 2006 Operating Budget due in part to the nearly \$300,000 in revenues without the means to collect it. Also, I have requested additional information on April 20, 2006 (#06-033) concerning the proposed rental licensing program but to date have not received this information.

If the research indicates rental properties are the primary source of blighted conditions within our neighborhoods; Council should include the rental property owners by establishing an advisory group, this group would be primarily made up of individuals who own rental property, to recommend possible solutions and improvements to the program. This would guarantee the necessary support and better define the concerns and problems associated with the proposed Rental License Program for Portsmouth.

Next, the City would establish a *plan* with well defined goals and a schedule for implementation. Discussions must begin now to prepare for implementation within the 2007 Operating Budget.

A clear well-defined *plan* must be drafted to address the required revenues, expenditures, and resources needed to enforce our codified ordinances to abate property decline and blighted conditions; the City must also consider the additional expenses associated with enforcement when violations are disregarded. The City Legal Department must be committed to this program and included to assist code enforcement to raise the expectations of property owners to avoid future blighted conditions.

I do not have a problem being a decision maker, and I am willing to make tough decisions that may not be popular in order to better serve the public. But, Council *must* base decisions on sufficient evidence and information to ensure obtainable goals and work within our operating budget constraints.

I believe any program, in order to be successful, must be clear, deliberate, and well documented to achieve the desired goals.

I look forward to further discussions on this subject to determine the needs of the City.

Respectfully,



Bob Mollette, 3rd Ward Council

rwm

cc: Council (5)
Health Department
David Kuhn, Solicitor
Trent Williams, Auditor
Jo Ann Aeh, Clerk (Record)