



CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

PUBLIC HEALTH & SAFETY COMMITTEE

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: 785-368-3710
www.topeka.org

Date: April 15, 2024

Time: 10:00am

Location: Classroom A; Law Enforcement Center 320 S. Kansas Ave Ste 100
(*virtual attendance option also available*)

Committee members present: Councilmembers Karen Hiller, Christina Valdivia-Alcalá, David Banks, and Spencer Duncan

City staff present: Property Maintenance Division Director John Schardine, Planning Director Rhiannon Friedman, Wendi Rieb, Interim Communications Director Taylor Bugg, Community Engagement Director Monique Glaude, Fire Marshal Alan Stahl, City Prosecutor Kelly Trussell

1) Call to Order

Committee member Hiller called the meeting to order at 10:00am. She introduced staff and committee members.

2) 2024 Organization

Welcome by Previous Chair

Committee member Karen Hiller served as the Committee Chair in 2023. She provided opening comments and welcomed the new Committee member, Councilman David Banks.

Election of 2024 Chair

Committee member Valdivia-Alcala made a motion to nominate Committee member Hiller to serve as the Chair. Committee member Hiller accepted the nomination. Committee member Banks seconded. Motion approved 4-0-0. Committee member Hiller will serve as the Chair.

Frequency of Meetings

Chairwoman Hiller discussed her intention was not to hold meetings on a monthly basis, but likely quarterly. Committee member Valdivia-Alcalá expressed an interest in meeting monthly to keep staff and the other Committee members updated on changes and progress as pieces of the initiative move along.

Chairwoman Hiller referenced the Goals and Recommendations document that the Governing Body had approved, and suggested the Committee review the list for a better sense of what the Changing Our Culture of Property Maintenance initiative was about.

3) Action Items

LMI Rehab Funding

Last year's committee worked closely with the Housing Services staff, and Director Rhiannon Friedman, to recommend to the Governing Body a plan to utilize \$200,000 of unassigned funds for Low-Moderate Income (LMI) rehabilitation and repairs. The funding would be used to fill the gap identified, in terms of available funding, and where it could be spent.

The item was included with other funding requests from staff that was presented to the Governing Body. The full package did not go through, and an alternate way of reviewing the individual requests was proposed. This item will be moving forward to the Policy & Finance Committee for additional review and a final recommendation to the Governing Body will come from them.

Director Friedman provided a brief overview of the request and its purpose. Currently, the City's Housing Services Division works with the Federal Home Loan Bank (FHLB) and receive a three-year \$750,000 grant to help LMI homeowners address property needs for code violations. A partnership between the Housing Services Division and Property Maintenance Division has formed to resolve some of the restraints that come with those types of situations. Although the City is extremely thankful for the partnership with the FHLB, the grant has specific stipulations as to how that funding can be spent. The unassigned surplus funds would allow staff to provide assistance for accessory properties, such as a garage, that are not able to receive FHLB dollars, but are often in Code violation.

Committee member Duncan referenced his position as Chair of the Policy & Finance Committee and expressed agreement in educating the other councilmembers further with how this funding would also work with the Changing Our Culture of Property Maintenance initiative.

MOTION: To affirm support of the Rehab Funding Program. Committee member Valdivia-Alcalá made a motion to approve. Committee member Banks seconded. Approved 4-0-0.

Retaliation Ordinance

Chairwoman Hiller stated the Retaliatory Eviction Ordinance had been approved by the Governing Body (July 11, 2023), however after passing the ordinance, an additional review by City Prosecutor Kelly Trussell, Housing Credit Counseling Inc (HCCI), an attorney who has been active in Topeka but is currently active in a tenant's eviction defense project in Kansas City was done and feedback was received regarding some of the language. The goal is to have a clarified ordinance ready so when full-on education mode begins, it is easily understood by both tenants and landlords.

The committee was provided two versions of the Ordinance. One was the current version with a redline of changes. The other was the "clean" version. Changes include:

- Section 1: Policy - Reverts back to original ordinance language to remove the mention of eviction a second time and keeps the language focused on retaliation and harassment as the key words.
- Section 2 (1) - Reverts back to the original ordinance language. This change was made to clarify that retaliatory actions are not limited to filing a suit in court, and in fact the purpose of this Act was to prevent those formal actions from happening, allowing repairs to be completed and for people to stay in place as long as they are tenants in good standing.
- Section 2 (4) - New language that addresses harassing entry, or repeated demands for entry for the tenant's dwelling unit by the landlord, wording drawn from and reference to Kansas Residential Landlord and Tenant Act language.

Chairwoman Hiller noted that the amendments were made to help clarify the intentions, but did not make any major changes to the current ordinance. Prosecutor Trussell agreed that the changes helped to clarify language to make it easier to understand for tenants and landlords.

Committee member Valdivia-Alcalá requested additional dialog into the harassing entry or repeated demands for entry of the tenant's dwelling unit by the landlord in violation.

Prosecutor Trussell advised that KSA 58-2557 is the statute that sets forth the right to enter by a landlord and what kind of notice needs to happen, that its basically the landlords right to enter the property and what those limitations are, so if they were in violation of that particular statute that it would be clear they are overstepping, and not giving notice. KSA 58-2571 subsection B is where we get the definitions on repeated demands and harassment of entry, and where it spells it out that its unlawful to have repeated requests, it defines what harassment of entry would be. Incorporating those two statutes into number 4 on the language for harassment by entry or repeated demands its very clear to the landlord what they can and cannot do.

Committee member Valdivia-Alcalá inquired if this was the first-time section 4 was included in the City's ordinance? Chairwoman Hiller confirmed. She stated it has been part of the State of Kansas' ordinance, however, is new for the City of Topeka.

MOTION: To support the technical amendments to the Retaliatory Eviction Ordinance and move it to the Governing Body for approval. Committee member Banks made a motion to approve. Committee member Valdivia-Alcalá seconded. Motion approved 4-0-0.

4) Updates

Vegetation - 2024 Implementation and Education Program

Director John Schardine advised the Property Maintenance division's goal is voluntary compliance, and that's done through engagement education and enforcement. But it would be tough for us to back the enforcement without the proper amount of education for our citizens. Director Schardine has made it a priority to attend as many community meetings as possible. Monique Glaude is supplying a list of meetings where we can apply this education, get the most back out of it, and get the word out. This will take place in the next 12-24 months at least. Places included would be Citizens Advisory Council, Shawnee County Landlord Association, and NIA's. Want to get people educated and the word out, before we start enforcing in 24-months.

Marketing Team - Mowing Program

Taylor Bugg reported the next phase of the Change of Property Maintenance Education campaign is focusing on promoting volunteerism, helping themselves, helping a neighbor, and getting involved. For the first couple years there was the

mowing part, which is still going to continue to put out some education pieces on that as well, but that's not going to be our main focus this time around. For this month we have some ideas planned, sharing ideas of how you can get involved in your neighborhood, some ideas of things you can do in your neighborhood to help clean it up, and improve it. There will be work on targeted messaging for high schoolers and students to get involved and get in the community and help people out. Giveaways and contests for encouraging people to submit photos or tell us about the things their doing in their community. Lastly there will be a vendor list of different mowing vendors so people can call Changing Our Culture phone number. Monique Claude and staff will provide them with a list of vendors so they can get connected with.

Action Team - Educational Program

Taylor Bugg advised they have put together information on the vegetation ordinance. It includes graphics and flyers that have background information which includes examples of different types of vegetation and native plants. She stated promoting native plants is good for the environment. She added that citizens can get help with property maintenance violations, and be able to talk with the Housing Navigator that can get them in contact with the appropriate staff. There will also be videos about general property maintenance and the Changing Our Culture initiative as a whole and retaliatory evictions. Working with John Schardine, Community Engagement, and all of the teams to really get education out to the community to help them better understand.

Apartment Building Inspections

Fire Marshal Alan Stahl provided an update on the inspections. It was a busy first quarter of the year. The Property Maintenance Division and Fire Marshal's office worked together to complete two inspections at apartment complexes (one complex had over 10 buildings). This is the first time a combined inspection has been completed. The two offices have very different processes for inspections. He thanked the Prosecution office for also assisting with cases forwarded to them. There were upward of 90 violations in the first apartment complex. The owners are not very open to fixing the violations, and will likely have to move through the enforcement process. With code those are a fine per day per violation. Moving forward, with a goal of beginning May 1st, the teams would like to complete one inspection of apartment complexes a week. There will be a priority to inspect complexes with the interior exits first. Newer complexes built with a garden style where each apartment has access to an exterior exit.

Chairwoman Hiller inquired about communications with tenants regarding interior inspections of individual apartments. Fire Marshal Stahl noted door hangers were provided to tenants, while the team performed their typical hallway inspections. There were about ten tenants who reached out to the Fire Marshal or Property Maintenance to request this inspection. Director John Schardine advised of the 10 only 1 followed up and let us in.

Committee member Valdivia-Alcalá felt there may be some hesitancy, or uncertainty on the part of the tenants to invite the city in and questioned the 90 violations. Director John Schardine agreed 100% the engagement and the education comes first, and then the enforcement. The occupants need to be educated on the expectations of the services provided by the management. Nothing too major on the violations flaking, peeling paint, side issues, some window, and door frame deficiencies, some tripping hazards. Nothing too major, but enough to get our attention. They received courtesy letters letting them know this is a brand-new program we are starting. Lists issues and time frames. If not corrected by May 1st they show property management the violation and give them a violation letter for repairs.

Vacant Property Listing

Chairwoman Hiller would like to request a second quarter report on year-to-date. Fire Marshal Stahl noted his office, the Property Maintenance Division, Utilities, and GIS have all been involved to assist with identifying criteria to confirm vacant properties. If there is water, or even a building on the property. Vacant lots are important but definitely not a vacant building. Working with County on getting a delinquent property tax list and a listing of condemned structures from Property Maintenance. There are approximately 1,200 locations that meet the criteria. Once identified, the team goes out to inspect and confirm, and provide information on the registry to owners. The ultimate goal is to get the properties to get back into productive use.

Chairwoman Hiller inquired if the focus currently is only on vacant structures? And not vacant properties altogether? Fire Marshal Stahl stated the current priority is vacant structures. As there is a higher risk to the public for things such as fire and theft to structures, rather than a vacant lot. However, all will be identified.

Vacant Property Issues & Strategies

Chairman Hiller stated we have not been able to pull together a team, we'll have some conversations and see what we can do to get that rolling.

5) Upcoming Agendas

Chairwoman Hiller reviewed some of the items that will be presented at the next meeting, and other future meetings. Planning Director Freidman Neighborhood Profiles. Work team 1st week of May Property Maintenance Division Director John Schardine will be reviewing the new updated SOP's regarding updates to abatement programs, fees and fee waivers. Wendi and April from Finance including Hiller have been working on getting Master list that were going to report every 6 months and what outcome measures on primary Mission initiative.

Chairwoman Hiller noted that part of the vacant property strategies will include working with the new Land Bank.

Chairwoman Hiller thanked the staff members in attendance, and those not attending, for their teamwork.

6) Adjourn

Chairwoman Hiller adjourned the meeting at 11:30am.

The next meeting will be June 17, 2024 10:00am-11:00am (proposed); Report to Governing Body and Action May 14, 2024

Meeting video can be viewed at:

<https://youtu.be/BmR5FPuUpFY?si=lNdyaegNSjcZd8MV>