

## MINUTES OF HOUSING BOARD OF APPEALS

**DATE:** 20 November 2018

**TIME:** 4:30 p.m.

**PLACE:** Housing Conference Room, Historic Federal Building

Chairperson David Young called the meeting to order at 4:30 p.m. following staff assurance of compliance with Iowa Open Meeting Law.

Board Members Present:	David Young Cristoffer Lammer-Heindel	Gil Spence Cristoffer Lammer-Heindel	Mary Gotz
Housing Staff Present:	Ben Pothoff Tami Ernster Scott Koch	Alex Rogan Shane Hoeper	Maddie Haverland Alexis Steger
City Staff Present:	City Atty Crenna Brumwell Asst. City Atty Maureen Quann		Chief Mark Dalsing Jerelyn O'Connor
Public Present:	Greg Prehm Lynn Sutton Stephanie Baker Todd Schmitt Ben Fisher TH	Bridget Prehm Ryan Newhard Dennis Baker Brett Shaw	Atty Sam Wooden Trish McDonald Tom LoJuidice Allison Wong KCRG

### Review and Certification of Minutes of 21 August 2018 Housing Board of Appeals Meeting

Gil Spence motioned to approve the minutes. Cristoffer Lammer-Heindel seconded. Motion passed 4-0.

### Correspondence/Public Input

There was no correspondence or public input.

### Consent Agenda

The consent agenda items are considered to be routine and non-controversial and all consent items will be normally voted upon in a single motion without any separate discussion on a particular item.

The following property owners have requested an extension of time to complete repairs. The Housing and Community Development staff concurs with the extension of time requested and respectfully requests Housing Appeals Board approval.

There is no consent agenda.

ALL DEFICIENCIES AND MOTIONS ARE IN ACCORDANCE WITH THE DUBUQUE HOUSING CODE UNLESS OTHERWISE STATED. EXTENSIONS OF TIME ARE GRANTED IN ACCORDANCE WITH TITLE 6 SECTION 6-9F(1) AND VARIANCES ARE GRANTED IN ACCORDANCE WITH TITLE 6 SECTION 6-9F(2).

## **New Business**

### **CASE #1**

Greg and Bridget Prehm are appealing the designation as priority category property owner/agent after receiving three or more municipal infractions within the prior 12-month period.

Greg Prehm addressed the Board and requested consideration that some of his properties be removed from the priority designation. He stated that many of the properties were purchased prior to 2016 before the International Property Maintenance Code went into effect. He stated that he has tried to update the properties but that at times it is cost prohibitive.

Ben Pothoff reviewed the difference for the board between the newly adopted three (3) tiered inspection policy and priority category. The three-tiered inspection policy outlines a process where when a property is designated tier 3, that property will be inspected annually until the tier 3 designation is lifted. Priority category designation is geared more towards the property owner/agent and not an individual property. Owners/agents designated priority category will have any or all rental properties owned or managed by the individual or firm inspected in accordance with a unique inspection schedule and fee schedule to be established by the City Manager.

The Board opened the floor for public comment and a number of citizens addressed the Board requesting that the appeal be denied due to Mr. Prehm not making repairs in a timely manner and that as the code states the priority category designation includes all properties of an owner/agent, so the logic provided for the Prehm's appeal was not sufficient.

Attorney, Sam Wooden – commented regarding information that he has obtained about the Prehm's properties, leases, and business practices while providing representation to the plaintiffs in a pending class action lawsuit against the Prehms. He noted several properties managed by the Prehms had recent inspections documented significant lists of violations at each property. He also pointed out that the priority category designation as adopted in city ordinance section 14-1J-4A was specific to a property owner, manager or licensed real estate professional and was not a property by property designation as suggested by Mr. Prehm. Mr. Wooden then noted that the city's ordinance requires a property to be warranted by the owner to comply with the property maintenance code and refuted Mr. Prehm's statement that the properties were purchased prior to the adoption of the property maintenance code in 2016, stating that the dilapidation of these properties happened over time and not just in the time since then. Mr. Wooden requested that the board not reverse the priority category designation.

Lynn Sutton – representing the NAACP Friends of Fair Housing. Stated that she's visited several of the Prehm's properties and has experienced rats running across feet, water falling on her head, leaky faucets, and a porch that was not structurally sound. She went on to say that no one deserves to live in these conditions and asked the board to affirm the designation.

Ryan Newhard – Vice President of the Historic Bluffs Neighborhood Association, commented on properties in his neighborhood that were not being repaired. He stated that several properties had mold and mildew, rodents, and foul odors. Mr. Newhard pointed out that the City of Dubuque is on the front cover of preservation magazine this fall and that Dubuque is being recognized nationally for historic preservation efforts, but that the Prehm's properties are falling into disrepair and are not being taken care of properly.

Assistant City Attorney, Maureen spoke up to remind individuals wishing to make comments to direct comments to board and not to the petitioner.

Trish McDonald, President of the Historic Bluffs Neighborhood Association, stated that much was being done to address property maintenance in her neighborhood but reiterated serious concerns about the Prehm's properties in this neighborhood.

Stephanie and Dennis Baker, tenants of one of the Prehm's properties at 631 Chestnut St. had moved to Dubuque from Washington State in August of 2018. They indicated that upon arrival they documented several issues with the property including trash inside and out, broken glass in the yard, a terrible smell in the kitchen, and the sink base cabinet floor was rotten.

Inspection report and photographs from move-in. 631 Chestnut inspection in May 2018. Moved in in August. Nothing on the inspection report was repaired. Trash inside and out. Made complaint but only microwave was removed from yard. Not the trash. Finally cleaned up but there was broken glass all over the yard. Terrible smell in the kitchen. Under kitchen sink there was a cabinet door used as the floor of the cabinet. Lifting the door showed a rotted mess underneath. Complaint and landlord's solution was to put plywood over it. Lifted plywood and could see that the rotted mess was not cleaned up. They had meant to caulk it or nail it down but didn't. Their solution was to cover it up and rent it so somebody else. Stayed for 4 weeks. 1 gas and meter for two units and they were told to put both in their name. Water pipes were leaking. They only stayed 6 weeks.

Tom LoJudice representing the NAACP Friends of Fair Housing – Spoke in favor of the city's designation of the Prehms, (NOTE: The recording of Mr. Logudice was too faint to pick up the specifics of his comments).

Cristoffer Lammer-Heindel motioned to affirm the designation of priority category and reject the appeal. Gil Spence seconded. Motion passed 4-0.

#### OTHER NEW BUSINESS

Considering interpretations for local agent requirements.

Ben Pothoff requested that this item be tabled to the next meeting. Cristoffer Lammer-Heindel motioned to table this item to the next agenda. David Young seconded. Motion passed 4-0.

#### Old Business

Ben updated the disposition of past appeals.

#### Information Sharing

Shane Hooper was introduced to the Board as the newest Housing Department inspector.

Update on properties designated as tier 3. There are 7 buildings now with this designation with 15-18 dwelling units in those properties. The department expects approximately 50 units to have the tier 3 designation in the first year.

#### Adjournment

Dave Young motioned to adjourn the meeting. Cristoffer Lammer-Heindel seconded. Motion passed 4-0. The meeting was adjourned at 5:15 p.m.

Minutes prepared by:

*Tami Ernster*

Tami Ernster  
Permit Clerk

Respectfully submitted:

*Ben Pothoff*

Ben Pothoff  
Rental Licensing and Inspection Supervisor