

**CITY OF DURHAM
DEPARTMENT OF NEIGHBORHOOD IMPROVEMENT SERVICES
807 E MAIN ST, DURHAM, NC 27701**

**HOUSING APPEALS BOARD MINUTES
February 15, 2023, 5:30 PM**

Board Members Present

Kevin Davis
Chanel Chambers
Indranil (Nil) Ghosh
Madeline Miller
Elisabeth Weiner

Staff Members Present

Robb Damman, HAB Manager
Alexis John, Housing Code Administrator
Michael Vaughn, Code Enforcement Officer
Michelle Sellers, Code Enforcement Officer

Visitors Present - None

CALL TO ORDER/ROLL CALL - The Housing Appeals Board meeting was called to Order at 5:30 PM by Chairman Kevin Davis, followed by the roll call.

APPROVAL OF MINUTES - A motion was made by Nil Ghosh and seconded by Elisabeth Wiener to approve the minutes of the October 19, 2022 and January 18, 2023 regular meeting and December 21, 2022 emergency meeting as published. The vote was unanimous.

ADJUSTMENTS TO THE AGENDA - Robb Damman removed Docket No.: FY23-HAB027, 806 Da Vinci St., Parcel No.:129413 and Docket No.: FY23-HAB029, 3115 Fayetteville Ave., Apt. 51, Parcel No.:116393 from the agenda; in Docket No.: FY23-HAB030, 701 Old Oxford Rd., Parcel No.:171679 he added the following: second page (with additional violations) to Appendix A, changed property status from not vacant to vacant, as it relates to Findings of Fact and Order, changed the language of repaired to repair or demolish.

HEARING AND DETERMINATION OF CASES

DOCKET # FY23-HAB028

CASE # 22-4303

ADDRESS: 5 Fisher Pl., PARCEL No.: 119269

OWNER(S)

**DTR PROPERTY GROUP LLC
2900 E PETTIGREW ST
DURHAM, NC 27703**

Robb Damman opened with the background on this case. At this time a video was presented of **5 Fisher Pl.** The initial inspection was made on **11/02/2022** and revealed a **Duplex** was not in compliance with the City of Durham **Housing Code**. The inspection revealed conditions that are listed in the proposed Order which has been

prepared in reference to this matter.

Complaint and Notice were served on **DTR PROPERTY GROUP LLC** on **11/03/2022** that set a hearing date to discuss the violations and determine the course of action for compliance with the Housing Code. The owner **did not** appear for the **11/17/2022** scheduled hearing(s).

Findings of Fact and Order were served on **DTR PROPERTY GROUP LLC** on **12/12/2022** directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **01/13/2023**. The Order of the Department of Neighborhood Improvement Services has not been complied with as of this date.

Michelle Sellers, Code Enforcement Officer stated the findings on **case #22-4303**.

Officer Sellers stated that "Appendix A" is a true and accurate reflection of the defects as of February 15, 2023 Jordan and asked the Board to receive and accept "Appendix A", attached into the record as testimony.

Robb Damman proceeded with the staff recommendation that the Housing Appeals Board adopt an Ordinance authorizing that the administrator be authorized to **Repair** the structure at **5 Fisher Pl., Parcel No.: 119269** in accordance with the City's Housing Code found in Chapter 10, Article VI of the Durham City Code including Sections 10-239 (j) and (1) and that the Owner of the dwelling, except an Owner who occupies the dwelling as his or her principal place of residence, be subjected to a civil penalty of \$300.00 each month until the dwelling is brought into compliance. However, the maximum cumulative civil penalty shall not exceed \$5,000.00. (see Durham City Code Section 10-241 (b)). As of today, the owner has accumulated a **\$250.00 Administrative Fee and \$300.00 in Civil Penalties**.

A motion was introduced by Nil Ghosh, DOCKET # FY23-HAB028, the administrator be authorized to repair the structure at 5 Fisher Pl., Parcel No.: 119269 in accordance with the City's Housing Code found in Chapter 10, Article VI of the Durham City Code including Sections 10-239 (j) (1) and (2).

The owner of the dwelling, except an owner who occupies the dwelling as his or her principal place of residence, shall be subjected to a civil penalty of \$300.00 each month until the dwelling is brought into compliance in accordance with the Durham City Code Section 10-241. However, the maximum cumulative civil penalty shall not exceed \$5,000.00. The motion was seconded by Madeline Miller; motion passed 5-0.

HEARING AND DETERMINATION OF CASES

DOCKET # FY23-HAB030

CASE # 18-6870

ADDRESS: 701 Old Oxford Rd., PARCEL No.: 171679

**OWNER(S) LOPEZ SALOMON C
 1710 HAMLIN RD
 DURHAM, NC 27704**

Robb Damman opened with the background on this case. At this time a video was presented of **701 Old Oxford Rd**. The initial inspection was made on **12/18/2018** and revealed a **Single Family** was not in compliance with the City of Durham **Housing Code**. The inspection revealed conditions that are listed in the proposed Order which has been prepared in reference to this matter.

Complaint and Notices were served on **LOPEZ SALOMON C** on **12/19/2018, 01/10/2019, and 04/01/2019**, that set a hearing date to discuss the violations and determine the course of action for compliance with the Housing Code. The owner **did not** appear for the **01/03/2019** scheduled hearing, but the CEO spoke with the owner on **01/09/2019**. The owner **did not** appear for the **04/12/2019** scheduled hearing(s).

Findings of Fact and Order were served on **LOPEZ SALOMON C** on **01/25/2019**, directing that the building in question be **repaired or demolished** so as to bring it into compliance with the **Housing Code** on or before **03/03/2019**. Findings of Fact and Order were served again on **06/29/2021** directing that the building in question be **repaired or demolished** so as to bring it into compliance with the **Housing Code** on or before **08/05/2021**. The Order of the Department of Neighborhood Improvement Services has not been complied with as of this date.

Michael Vaughn, Code Enforcement Officer stated the findings on **case #21-2163**.

Officer Vaughn stated that "Appendix A" is a true and accurate reflection of the defects as of February 15, 2023 and asked the Board to receive and accept "Appendix A", attached into the record as testimony.

Robb Damman proceeded with the staff recommendation that the Housing Appeals Board adopt an Ordinance authorizing the administrator be authorized to **Demolish** the structure at **701 Old Oxford Rd., Parcel No.: 171679** in accordance with the City's Housing Code found in Chapter 10, Article VI of the Durham City Code including Sections 10-239 (j) and (2) and that the Owner of the dwelling, except an Owner who occupies the dwelling as his or her principal place of residence, be subjected to a civil penalty of \$300.00 each month until the dwelling is brought into compliance. However, the maximum cumulative civil penalty shall not exceed \$5,000.00. (see Durham City Code Section 10-241 (b)). As of today, the owner has accumulated a **\$250.00 Administrative Fee and \$5000.00 in Civil Penalties**.

A motion was introduced by Chanel Chambers, DOCKET # FY23-HAB030, the administrator be authorized to demolish the structure at 701 Old Oxford Rd., Parcel No.: 171679 in accordance with the City's Housing Code found in Chapter 10, Article VI of the Durham City Code including Sections 10-239 (j) (1) and (2).

The owner of the dwelling, except an owner who occupies the dwelling as his or her principal place of residence, shall be subjected to a civil penalty of \$300.00 each month until the dwelling is brought into compliance in accordance with the Durham City Code Section 10-241. However, the maximum cumulative civil penalty shall not exceed \$5,000.00. The motion was seconded by Kevin Davis; motion denied 3-2.

Other General Matters - The Clerk asked the board if in addition to knowing what the open violations were, they would also like to know the number of violations the owner was able to resolve. The board was in agreement in knowing said information.

New Business - A motion was made by Elisabeth Wiener and seconded by Kevin Davis to approve the FY22 Annual Report as published. The vote was unanimous.

Councilman Williams reintroduced himself and extended to help in any way he could.

Adjournment - A motion was made by Nil Ghosh and seconded by Kevin Davis to adjourn. The vote was unanimous; Chair moved to adjourn meeting at 6:08 P.M.
Yolanda Dye-Robinson, Housing Appeals Board Clerk