

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

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

Board Members Present

Kevin Davis
Indranil (Nil) Ghosh
Madeline Miller
Darren Chester

Staff Members Present

Robb Damman, HAB Manager
Alexis John, Housing Code Administrator
Faith Gardner, Asst. Director
Laurin Milton, Code Enforcement Officer
Michelle Sellers, Code Enforcement Officer

Visitors Present

Chad Perry

CALL TO ORDER/ROLL CALL - The Housing Appeals Board meeting was called to Order at 5:37 PM by Chairman Kevin Davis, followed by the roll call.

APPROVAL OF MINUTES - A motion was made by Nil Ghosh and seconded by Kevin Davis to approve the minutes of the February 15, 2023 regular meeting as published. The vote was unanimous.

ADJUSTMENTS TO THE AGENDA - Robb Damman removed Docket No.: FY23-HAB032, 402 Dunstan Ave., Parcel No.:117444. Chairman Davis asked that Docket No.: FY23-HAB034, 117 Nelson St., Parcel No.:117095 be heard first since owner was present.

HEARING AND DETERMINATION OF CASES

DOCKET # FY23-HAB034

CASE # 18-5760

ADDRESS: 117 Nelson St., PARCEL No.: 117095

OWNER(S)

**PERRY CHAD
103 Steele Street
DURHAM, NC 27707**

Robb Damman opened with the background on this case. And presented a video of **117 Nelson St.** The initial inspection was made on **11/27/2018** 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 Notice(s) were served on **PERRY CHAD** on **11/28/2018, 12/18/2018 and 04/05/2021** 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 **12/14/2018, 01/02/2019, and 04/19/2021** scheduled hearing(s).

Findings of Fact and Order(s) were served on **PERRY CHAD** on **01/17/2019 and 05/06/2021** directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **06/09/2021**. 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 #18-5760**.

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

Officer Sellers stated that to date, none of the repairs have been completed and the required permits had not been pulled for the structural work nor had an Engineer's report been provided as of March 15, 2023.

Owner, Mr. Perry stated that the video doesn't show the repairs completed to the front of the structure; repair for the rear roof and wall caused by the neighboring tree had been completed and remaining work would be completed by the end of the week.

Mr. Damman added that the engineer's report would gladly be received and added to the case file; however, the structural repairs warrant the need for permits. It doesn't prevent doing framework, but everything should be left open to go through the inspection process.

Robb Damman proceeded with the staff recommendation that the Housing Appeals Board adopt an Ordinance authorizing the administrator be authorized to **Repair** the structure at **117 Nelson St., Parcel No.: 117095** 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 \$2100.00 in Civil Penalties**.

A motion was introduced by Kevin Davis, DOCKET # FY23-HAB034, the administrator be authorized to repair the structure at 117 Nelson St., Parcel No.: 117095 the owner be given a 30-day continuance to complete the work. The motion was seconded by Madeline Miller; motion passed 4-0.

HEARING AND DETERMINATION OF CASES

DOCKET # FY23-HAB031

CASE # 22-4294

ADDRESS: 1306 Angier Ave., PARCEL No.: 112081

OWNER(S)

**BAILEY SAMUEL
124 WESTERN RIDGE RUN
GARNER, NC 27529**

Robb Damman opened with the background on this case. At this time a video was presented of **1306 Angier Ave.** The initial inspection was made on **11/01/2022** 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 Notice(s) were served on **BAILEY SAMUEL** 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 **11/18/2022** scheduled hearing(s).

Findings of Fact and Order(s) were served on **BAILEY SAMUEL** on **12/08/2022** directing that the building in question be **repaired or demolished** so as to bring it into compliance with the **Housing Code** on or before **01/10/2023**. The Order of the Department of Neighborhood Improvement Services has not been complied with as of this date.

Laurin Milton, Code Enforcement Officer stated the findings on **case #22-4294**.

Officer Milton stated that "Appendix A" is a true and accurate reflection of the defects as of March 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 **1306 Angier Ave., Parcel No.: 112081** 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 \$900.00 in Civil Penalties**.

A motion was introduced by Neil Ghosh, DOCKET # FY23-HAB031, the administrator be authorized to demolish the structure at 1306 Angier Ave., Parcel No.: 112081 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 4-0.

HEARING AND DETERMINATION OF CASES

DOCKET # FY23-HAB033

CASE # 22-2190

ADDRESS: 500 Buxton St., PARCEL No.: 146539

OWNER(S)

**ALAVEZ DENIA ISABEL GUERRERO and RODRIGUEZ RICARDO
500 BUXTON ST
DURHAM, NC 27713**

Robb Damman opened with the background on this case. At this time a video was presented of **500 Buxton St.** The initial inspection was made on **06/09/2022** 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 Notice(s) were served on **ALAVEZ DENIA ISABEL GUERRERO and RODRIGUEZ RICARDO** on **06/10/2022** that set a hearing date to discuss the violations and determine the course of action for compliance with the Housing Code. The owner **did** appear via telephone for the **06/28/2022** scheduled hearing(s).

Findings of Fact and Order(s) were served on **ALAVEZ DENIA ISABEL GUERRERO and RODRIGUEZ RICARDO** on **07/21/2022** directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **08/24/2022**. 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 #22-2190**.

Officer Sellers stated that "Appendix A" is a true and accurate reflection of the defects as of March 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 **Repair** the structure at **500 Buxton St., Parcel No.: 146539** 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**.

A motion was introduced by Kevin Davis, DOCKET # FY23-HAB033, the administrator be authorized to repair the structure at 500 Buxton St., Parcel No.: 146539 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 Darren Chester; motion passed 4-0.

New Business – Robb Damman wanted to make the board aware that NIS would be presenting multiple 1apartments at a particular property with the same owner and was soliciting the board as to what the best approach would be in presenting the cases; individually or grouped together. It was recommended by the Chairman Davis to continue the same process of hearing each case individually and only hear those cases during that particular meeting month.

Faith added that NIS would make the board aware of what month the 16 (sixteen) cases come before the board.

Adjournment - A motion was made by Kevin Davis and seconded by Nil Ghosh to adjourn. The vote was unanimous to adjourn the meeting at 5:26 P.M.

