

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

**HOUSING APPEALS BOARD MINUTES
April 19, 2023, 5:30 PM**

Board Members Present

Chanel Chambers
Fredrick Davis
Indranil (Nil) Ghosh
Malika Langley
Madeline Miller
Elisabeth Wiener

Staff Members Present

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

Visitors Present

Chad Perry, 117 Nelson St

CALL TO ORDER/ROLL CALL - The Housing Appeals Board meeting was called to Order at 5:32 PM by Co-Chair Chanel Chambers, followed by the roll call.

APPROVAL OF MINUTES - A motion was made by Chanel Chambers and seconded by Madeline Miller to approve the minutes of the March 15, 2023 regular meeting as published. The vote was unanimous.

ADJUSTMENTS TO THE AGENDA - Robb Damman asked that in Docket No.: FY23-HAB036, 1223 Naples Pl., Parcel No.:130312 the apartment be changed from B to A and Docket No.: FY23-HAB034, 117 Nelson St., Parcel No.:117095; 2 (two) of 3 (three) violations have been closed; Nil Ghosh asked that this case be heard first since the owner was present.

HEARING AND DETERMINATION OF CASES

Docket #: FY23-HAB034
Address: 117 NELSON ST - 117095
Owner(s): PERRY CHAD - 103 Steele Street DURHAM, NC 27707-2833
Case #: 18-5760
Case Topic: Repair Only
Property Vacant: Yes
Current Inspector: Michelle Sellers
Initiated by: NIS CEO
Staff recommendation: Repair

Robb Damman opened with the background on this case. And presented a video of **117 Nelson St.** The initial inspection was made on **November 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 November 28, 2018, December 18, 2018, April 5, 2021, that set a hearing date to discuss the violations and determine the course of action for compliance. The owner DID NOT appear for the scheduled hearing(s).

Findings of Fact and Order(s) were served on PERRY CHAD on January 17, 2019, May 6, 2021, directing that the building in question be Repaired to bring it into compliance with the Code on or before June 9, 2021. To date, that Order has not been complied with.

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 April 19, 2023 and asked the Board to receive and accept "Appendix A", (attached) into the record as testimony.

Robb Damman stated that a permit had been received from City County inspection and owner provided an Engineer's report as requested at the March 15th meeting.

Mr. Perry stated to satisfy remaining open violation, the property has to be inspected by City County inspection department.

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 Chanel Chambers, DOCKET # FY23-HAB034, the administrator be authorized to demolish 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) (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 Elisabeth Weiner; motion passed 5-0.

Docket #: FY23-HAB032

Address: 402 DUNSTAN AVE - 117444

Owner(s): HALL THERESA BROWER EST - C/O LONNIE HALL 821 MASTERS DR

Case #: 22-4350

Case Topic: Repair Only

Property Vacant: Yes

Current Inspector: Michelle Sellers

Initiated by: Durham One Call

Staff recommendation: Repair

Robb Damman opened with the background on this case. At this time a video was presented of **402 Dunstan Ave.** The initial inspection was made on **November 8, 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 HALL THERESA BROWER EST on November 9, 2022, that set a hearing date to discuss the violations and determine the course of action for compliance. The owner DID NOT appear for the scheduled hearing(s).

Findings of Fact and Order(s) were served on HALL THERESA BROWER EST on December 14, 2022, directing that the building in question be Repaired to bring it into compliance with the Code on or before January 17, 2023. To date, that Order has not been complied with.

Michelle Sellers, Code Enforcement Officer stated the findings on **case #22-4350**.

Officer Sellers stated that "Appendix A" is a true and accurate reflection of the defects as of April 19, 2023 and asked the Board to receive and accept "Appendix A", (attached) into the record as testimony.

Mr. Damman received contact from manager of the estate, living in GA, but was unable to attend the meeting and he wished to express that a contractor has been lined up. On today, (April 19, 2023) the manager requested an extension; however, it could not be granted.

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 **402 Dunstan Ave., Parcel No.: 117444** 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 Elisabeth Weiner, DOCKET # FY23-HAB032, the administrator be authorized to demolish the structure at 402 Dunstan Ave., Parcel No.: 117444 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 Nil Ghosh; motion passed 5-0.

Docket #: FY23-HAB035

Address: 109 OLD FOX TRL - 143938

Owner(s): RODRIGUEZ FERNANDO - 109 OLD FOX TRAIL DURHAM, NC 27713

Case #: 20-2601

Case Topic: Repair Only
Property Vacant: Yes
Current Inspector: Michael Vaughn
Initiated by: Durham One Call
Staff recommendation: Repair

Robb Damman opened with the background on this case. At this time a video was presented of **109 Old Fox Trl**. The initial inspection was made on **June 10, 2020** 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 RODRIGUEZ FERNANDO on June 11, 2020, November 5, 2020, January 5, 2021, October 21, 2021, that set a hearing date to discuss the violations and determine the course of action for compliance. The owner DID NOT appear for the scheduled hearing(s).

Findings of Fact and Order(s) were served on RODRIGUEZ FERNANDO on July 15, 2020, April 6, 2021, December 2, 2021, directing that the building in question be Repaired to bring it into compliance with the Code on or before January 4, 2022. To date, that Order has not been complied with.

Michael Vaughn, Code Enforcement Officer stated the findings on **case #20-2601**.

Officer Vaughn stated that "Appendix A" is a true and accurate reflection of the defects as of April 19, 2023 and asked the Board to receive and accept "Appendix A", (attached) into the record as evidence.

Officer Vaughn stated that he had received emails from neighbors about sittings of vermin at the property.

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 **109 Old Fox Trl - 143938** 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 Fredrick Davis, DOCKET # FY23-HAB035, the administrator be authorized to repair the structure at 109 Old Fox Trl - 143938 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 Chanel Chambers; motion passed 5-0.

Docket #: FY23-HAB036

Address: 1223 NAPLES PL - 130312

Owner(s): NAPLES TERRACE NC LLC C/O THE MILLENNIA COMPANIES - ATTN: FRANK T. SINITO, CHEIF EXECUTIVE OFFICER 4000 KEY TOWER 127 PUBLIC SQ

Case #: 22-1372

Case Topic: Repair Only
Property Vacant: No
Current Inspector: Laurin Milton
Initiated by: Complaint
Staff recommendation: Repair

Robb Damman opened with the background on this case. At this time a video was presented of **1223 Naples Pl.** The initial inspection was made on **May 5, 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 NAPLES TERRACE NC LLC C/O THE MILLENNIA COMPANIES on May 5, 2022, September 1, 2022, December 7, 2022, that set a hearing date to discuss the violations and determine the course of action for compliance. The owner DID appear for the scheduled hearing(s). CEO met with maintenance supervisor (Q) and acting property manager (Kisha) and provided listing of all units that have been cited for violations of the Housing Code and the required repairs.

Findings of Fact and Order(s) were served on NAPLES TERRACE NC LLC C/O THE MILLENNIA COMPANIES on June 24, 2022, January 13, 2023, directing that the building in question be Repaired to bring it into compliance with the Code on or before February 17, 2023. To date, that Order has not been complied with.

Officer Milton stated that "Appendix A" is a true and accurate reflection of the defects as of April 19, 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 **1223 Naples Pl., Parcel No.: 130312** 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 \$2700.00 in Civil Penalties**.

A motion was introduced by Nil Ghosh, DOCKET # FY23-HAB036, the administrator be authorized to repair the structure at 1223 Naples Pl., Parcel No.: 130312 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 Chanel Chambers; motion passed 5-0.

Docket #: FY23-HAB037

Address: 1214 NAPLES PL - 130312

Owner(s): NAPLES TERRACE NC LLC C/O THE MILLENNIA COMPANIES - ATTN: FRANK T. SINITO, CHEIF EXECUTIVE OFFICER 4000 KEY TOWER 127 PUBLIC SQ

Case #: 22-0899

Case Topic: Repair Only
Property Vacant: No
Current Inspector: Laurin Milton
Initiated by: Complaint
Staff recommendation: Repair

Robb Damman opened with the background on this case. At this time a video was presented of **1214 Naples PI**. The initial inspection was made on **April 12, 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 NAPLES TERRACE NC LLC C/O THE MILLENNIA COMPANIES on April 20, 2022, December 7, 2022, that set a hearing date to discuss the violations and determine the course of action for compliance. The owner DID appear for the scheduled hearing(s). CEO met with maintenance supervisor (Q) and acting property manager (Kisha) and provided listing of all units that have been cited for violations of the Housing Code and the required repairs.

Findings of Fact and Order(s) were served on NAPLES TERRACE NC LLC C/O THE MILLENNIA COMPANIES on July 15, 2022, January 13, 2023, directing that the building in question be Repaired to bring it into compliance with the Code on or before February 17, 2023. To date, that Order has not been complied with. Officer Milton stated that "Appendix A" is a true and accurate reflection of the defects as of April 19, 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 **1214 Naples PI., Parcel No.: 130312** 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 \$2400.00 in Civil Penalties**.

A motion was introduced by Nil Ghosh, DOCKET # FY23-HAB037, the administrator be authorized to repair the structure at 1214 Naples PI., Parcel No.: 130312 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 Chanel Chambers; motion passed 5-0.

Welcome of new member, Malika Langley, representing At-Large

Reminder to HAB to sign up for the Stipend program; reminder about grant program and board member spotlight.

Meeting adjourned by Co-Chair Chanel Chambers at 6:44 P.M.
Yolanda Dye-Robinson, Housing Appeals Board Clerk