

CITY OF DURHAM
HOUSING APPEALS BOARD MINUTES

July 20, 2022

Board Members Present

Fredrick Davis, II, Chair
Kevin Davis
Darren Chester
Indranil Ghosh
Madeline Miller
Elisabeth Wiener

Staff Members Present

Faith Gardner, Assistant Director
Alexis John, Housing Code Administrator
Laurin Milton, Housing Code Supervisor
Sofia Hernandez, Assistant City Attorney
Michelle Sellers, Code Enforcement Officer
Kurt Jordan, Code Enforcement Officer
Dawn Hill-Alston, Code Enforcement Officer

Visitors Present

Terry W. Bullock
Zuriel Martinez
Hajaj Kaid

CALL TO ORDER/ROLL CALL

The Housing Appeals Board meeting was called to Order at 5:30 PM by Chairman Fredrick Davis, followed by the roll call.

APPROVAL OF MINUTES

Elisabeth Wiener motioned to accept the minutes from May 18, 2022; Kevin Davis seconded; all were in favor, motion passed unanimously.

ADJUSTMENT TO THE AGENDA

Faith Gardner removed from the agenda, case No. 20-5242, 1215 Fayetteville St. for repair; emergency repair cases, 1228 Naples Pl., and 1237 Naples Pl.

HEARING AND DETERMINATION OF CASES

Case 21-1636
DOCKET # FY23-HAB001
805 S ALSTON AVE
PARCEL No.: 117997

OWNER(S) Shela Kahin, aka Sheila Kahin
 3000 DEARBORN DR
 DURHAM, NC 27704

Faith Gardner opened with the background on this case. The initial inspection was made on **05/27/2021** 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 Notices were served on **Shela Kahin, aka Sheila Kahin** on **05/28/2021** and **01/31/2022** 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 **06/10/2021** scheduled hearing but **did** call in for the **02/14/2022** scheduled hearing(s).

Findings of Fact and Orders were served on **Shela Kahin, aka Sheila Kahin** on **07/01/2021**, and **08/09/2021** directing that the building in question be **repaired or demolished** so as to bring it into compliance with the **Housing Code** on or before **09/03/2021 and/or 10/10/2021**. Findings of Fact and Orders were served again on **TERRY W BULLOCK** on **03/08/2022** directing that the building in question be **repaired or demolished** so as to bring it into compliance with the **Housing Code** on or before **05/11/2022**. 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 #21-1636**.

1. Ceilings contain loose materials throughout
2. Room 3 bath receptacle missing plate cover on kitchen receptacle
3. Front and rear door not weather tight and in good repair
4. Rear door needs to be able to open freely
5. Rear door
6. obstructed
7. Peeling paint throughout exterior
8. Smoke detectors needed in each sleeping area and outside each sleeping area
9. Engineer's report required for floor members (broken, overload, decay or sagging)
10. Flooring damaged and loose throughout, i.e., room and kitchen
11. Foundation elements in disrepair throughout structure and porch or Engineer's report
12. Water in crawl space
13. Kitchen sink cabinet(s) damaged
14. Extermination insects/rodents
15. All bathrooms require ventilation
16. Bathroom floor not waterproof throughout
17. Leaks throughout basement/crawl space area
18. Toilet in room 3 loose from floor and leaking
19. Evidence of leaking in room 1 and 4 ceiling
20. Room 1 and 3 sink damaged
21. Address numbers need to contrast with background
22. Rear drainage, surface or subsurface water
23. Excessive dampness or moisture on surfaces room 3 bath ceiling
24. Hole in front yard
25. Damaged roof covering throughout
26. Establishment room numbers, room 1
27. Front porch has missing and loose pickets
28. Exterior stairs need to be repaired or removed on left side of structure
29. Damaged and/or deteriorated siding, fascia and boxing throughout

- 30. Walls, interior contains loose wall materials, i.e., kitchen, rooms 1, 4 and room 3 bathroom
- 31. Room 4, wall studs, engineer's report required for fitness
- 32. Interior doors damaged throughout, room 3 jamb damaged and room 4 hinges loose

Officer Michelle Sellers stated that "Appendix A" is a true and accurate reflection of the defects as of July 20, 2022.

Officer Sellers asked the Board to receive and accept "Appendix A" into the record as testimony. At this time a video was presented of **805 S ALSTON AVE.**

Terry Bullock appeared and stated that he was the original owner of the property and he didn't file or sign a quick claim deed; the signature was forged. He also stated that Sheila Kahin has a sale of the property pending. He requested additional time to obtain an attorney to clear ownership.

Ms. Gardner proceeded with the staff recommendation that the Housing Appeals Board adopt an Ordinance authorizing the administrator be authorized to **Demolish** the structure at **805 S ALSTON AVE., Parcel No.: 117997** 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 \$1,200.00 in Civil Penalties.**

A motion to continue for 6-months was introduced by Fredrick Davis and seconded by Kevin Davis; motion passed 6-0.

HEARING AND DETERMINATION OF CASES

Case 22-0265

DOCKET # FY23-HAB002

730 Liberty St.

PARCEL No.: 111432

OWNER(S)

Faith Gardner opened with the background on this case. The initial inspection was made on **02/10/2022** 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 Notices were served on **CEDILLO ZURIEL MARTINEZ** on **02/11/2022** 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 **02/21/2022** scheduled hearing(s).

Findings of Fact and Orders were served on **CEDILLO ZURIEL MARTINEZ** on **03/11/2022**, directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **04/10/2022**. The Order of the Department of Neighborhood Improvement Services has not been complied with as of this date.

Dawn Hill-Alston, Code Enforcement Officer stated the findings on **case #22-0265**.

1. Repair/replace damaged fencing

Officer -Alston Hill stated that "Appendix A" is a true and accurate reflection of the defects as of July 20, 2022.

Officer Hill-Alston asked the Board to receive and accept "Appendix A" into the record as testimony. At this time a video was presented of **730 Liberty St.**

Owners appeared and stated they were delayed due to an insurance claim dispute. They should have a new fence by the end of August. They were willing to enter into a compliance agreement.

Ms. Gardner proceeded with the staff recommendation that the Housing Appeals Board adopt an Ordinance authorizing the administrator be authorized to **Repair** the structure at **730 Liberty St., Parcel No.: 111432** 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-HAB002, the administrator be authorized to demolish the structure at 730 Liberty St., Parcel No.: 111432 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 6-0.

HEARING AND DETERMINATION OF CASES

Case 17-6043

DOCKET # FY23-HAB003

1927 Holloway St.

PARCEL No.: 120859

OWNER(S)

**ALSHMIL NOJOOD
1925 HOLLOWAY ST
DURHAM, NC 27703**

Faith Gardner opened with the background on this case. The initial inspection was made on **12/12/2017** and revealed a **Single-Family Dwelling** 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 **ALSHMIL NOJOOD** on **12/13/2017** and **09/20/2021** that set a hearing date to discuss the violations and determine the course of action for compliance with the Housing Code. The owner **did** call prior to the **12/27/2017** scheduled hearing; however, the owner **did not** appear for the **10/01/2021** scheduled hearing(s)

Findings of Fact and Orders were served on **ALSHMIL NOJOOD** on **01/23/2018** and **10/26/2021** directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **11/24/2021**. The Order of the Department of Neighborhood Improvement Services has not been complied with as of this date.

Dawn Hill-Alston, Code Enforcement Officer stated the findings on **case #17-6043**.

1. Entire system and components need to be checked by licensed electrical contractor, permit obtained and repairs and upgrades must meet NC Building Code standards
2. Extension cord going from 1925 Holloway to 1927 Holloway through window
3. Interior/exterior paint peeling
4. Paint peeling under eaves and around window trim
5. Screen door at the rear entrance needs to be properly installed
6. Any changes to the original layout of a structural design requires a permit
7. Rear steps missing handrail
8. Newspaper covers pane on rear broken window

Officer Dawn Hill-Alston stated that "Appendix A" is a true and accurate reflection of the defects as of July 20, 2022.

Officer Hill-Alston asked the Board to receive and accept "Appendix A" into the record as testimony. At this time a video was presented of **1927 HOLLOWAY ST.**

Per CEO, owner would need to obtain a building permit.

The owners' son, Hajaj Kaid appeared and stated that the house was put on hold by the Federal Government due to an ongoing Federal case, which is why the owners could not make any repairs on the property. His parents, the owners' have not been in the country since 2020. He also stated, the property was sold by the Federal Government via auction. As of today's date, July 20, 2022, the title does not reflect the new owners.

Ms. Gardner proceeded with the staff recommendation that the Housing Appeals Board adopt an Ordinance authorizing the administrator be authorized to **Repair** the structure at **1927 HOLLOWAY ST., Parcel No.: 120859** 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 \$2,400.00 in Civil Penalties**.

A motion was introduced by Kevin Davis, DOCKET #FY23-HAB003, the administrator be authorized to repair the structure at 1927 HOLLOWAY ST., Parcel No.: 120859 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 Fredrick Davis; motion passed 6-0.

HEARING AND DETERMINATION OF CASES

Case 21-0686

DOCKET # FY23-HAB005

1218 Liberty St.

PARCEL No.: 112754

**OWNER(S) MELVIN HARRIS
 2000 MT. VERNON CHURCH RD.
 RALEIGH, NC 27614**

Faith Gardner opened with the background on this case. The initial inspection was made on **03/31/2021** 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 **MELVIN HARRIS** on **04/01/2021** and **02/17/2022** 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 **04/15/2021** or **03/03/2022** scheduled hearing(s).

Findings of Fact and Orders were served on **MELVIN HARRIS** on **05/05/2021** directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **06/08/2021**. Findings of Fact and Orders were served again on **MELVIN HARRIS** on **03/21/2022** Code on or before **04/22/2022**. The Order of the Department of Neighborhood Improvement Services has not been complied with as of this date.

Kurt Jordan, Code Enforcement Officer stated the findings on **case #21-0686**.

1. Peeling paint on the entire exterior of the structure
2. Back porch landing has deteriorating wood, hazard
3. Front screen door mesh torn
4. Back porch sidewalls are unpainted and do not meet NC residential building codes
5. Standing water on front right side of the structure and to neighboring properties – - Recommendation-Have a licensed plumber access problem via report and give copy to city inspector
6. Front porch roof has warped plyboard between the gable area
7. Gutter downspout elbow missing; water should drain away from structure
8. Roof shingles not secure rear of structure; check roof for leaks
9. Guard rail in disrepair on front porch
10. Deteriorating wood on the exterior of the structure around structure

Officer Jordan stated that “Appendix A” is a true and accurate reflection of the defects as of July 20, 2022.

Officer Jordan asked the Board to receive and accept "Appendix A" into the record as testimony. At this time a video was presented of **1218 Liberty St.**

The owners did not appear.

Ms. Gardner proceeded with the staff recommendation that the Housing Appeals Board adopt an Ordinance authorizing the administrator be authorized to **Repair** the structure at **1218 Liberty St. St., Parcel No.: 112754** 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 \$1,200.00 in Civil Penalties.**

A motion was introduced by Kevin Davis DOCKET #FY23-HAB005, the administrator be authorized to repair the structure at 1218 Liberty St., Parcel No.: 112754 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 Fredrick Davis; motion passed 6-0.

ADJOURNMENT

The Housing Appeals Board meeting was adjourned at 6:32 P.M.
Yolanda Dye-Robinson, Housing Appeals Board Clerk