

Captioning Transcript of Public Works Committee Meeting - November 1, 2022

"Chair George"

Good afternoon, and welcome to the public works committee. This meeting is being held pursuant to care as 61 dot 806 and in accordance with counsel rule 5 a, I'm the call George Committee Chair, and I'm joined today by Committee Members Piagentini

Councilman Hollander and Council Woman Flood

I see Councilman Ackerson

Vice Chair Stuart Benson has an excuse to absence.

Today's meeting will be devoted to item number 1.

O, Dash 182, Dash, 22 an ordinance amending the Louisville, Jefferson County, Metro government code of ordinances, chapter 119 regarding the registration of rental housing to include, and assign the director of Louisville,

Metro codes and regulations or designee further administration and enforcement duties regarding the registry of rental housing unit. of rental housing unit

May I have a motion to untable.

Motion by Councilman Piagentini of 2nd, by Council Member Flood A, today's meeting will be again focused exclusively on this ordinance. It's been before us for several months.

The process has really allowed for very healthy discussion and an opportunity to field questions.

My colleagues and I have compiled a list of 15, which we now have in an, that was shared with committee members today.

It's also allowed us to adjust to get to a better product and today we're going to offer that product in the way of amendments, which have been loaded into the system.

I'd like to take each 1 individually and I'd ask that we just do our very best to stay focused on the amendments that are before us.

So, I'm looking over at Jason Fowler with the county Attorney's office because he has done a tremendous job in the way of.

Of preparing these, I want to start with the 1st amendment and share a little bit of back story before.

I turn this over to Jason and then also we get a motion to discuss.

Uh, the 1st amendment is going to start on page 4.

"Committee Member Piagentini"

Under section 8 I'm sorry Madam chair just a point of order point of clarification. Maybe in the system there's 2 documents 1 that says, oh, 102 dash 2 V dot 28622andthen.

There's another 1 that says proposed cam 11. 0122isthat the document we're working off of. says proposed cam eleven zero one hundred and twenty two is that the document we're working off of Proposed cam okay. Got it. Thank you.

"Chair George"

Excellent this is important when everyone on the same page.

So, under number 8.

Page 4.

We have a section that specifies.
That an owner would sign an affidavit and 1 of the challenges we've heard from some of our owners is that.
Often times things change quickly. They.
You know, they take this responsibility very seriously, and they want to ensure that when they sign, they're not setting themselves up for some sort of liability because there's something on the property that they're not aware of yet we also know that the intention behind the affidavit is essential and is 1 demonstration of effort in the way of.
Being able to ensure that we are upholding standards so I'm going to turn it over to Jason Fowler. Maybe read.
A little bit about the amendment, and then I'll ask somebody to make a motion.

"Jason Fowler"

Thank you Council Woman George, assistant county attorney.
In paragraph 8, we are adding the term.
Um, the phrase rather to the best of the owners knowledge.
To the best of owners knowledge.
That allows.
In an owner to feel better about their.
At the state at the current state.
Of the property, uh, whereas some, um.

Some amount of, um.
That property may change, and they wouldn't have knowledge of that at the time. This would prevent.
A later allegation of false swearing or perjury.

"Chair George"

There's also added language that will require and rags to have a checklist informing owners of the top 5, most common infractions, which we heard is also really important in the way of giving some focus to owners on what to look for.
Again, with the goal, being to drive safer, improved.
Quality housing in the community.
May I have a motion for the amendment.
Motion, let me have a 2nd.

Motion by Council Member Flood, seconded by Council Member Hollander, the amendment is properly before we've also been joined by Council Member Donna Purvis
So, this amendment is properly before us is there any discussion a Piagentini in the queue? I don't know if that was from before.

"Committee Member Piagentini"

No, it's regarding this chair. This is just to add this phrase.
To ease a legal concern if.
They were unaware of, you know, some minor property, and this is related to all rental units, registered registered are in compliance with the applicable provisions. Right?

They, they can't possibly know at any given time that something might be out of code at that moment that they're signing it. So, it's just giving them that Latitude that to the best of their knowledge. They know it.

"Jason Fowler"

That's correct. Councilman.

"Committee Member Piagentini"

Okay. Thank you.

It's for the it's for this, so this is related to the affidavit that says, quote, yeah, all rental units within the registered unit, or registered multiple units are in compliance with the applicable provisions, the metro property maintenance code.

So, I'm assuming the thought process was at the moment they're signing it.

Right. They, you know, they might have just got out of a meeting with their maintenance team and said, yeah, they were in compliance and meanwhile, sometime between then and now, right? Something happened that's quote out of compliance. So it gives them some reasonable protection.

It makes sense to me.

"Committee Member Dorsey"

Sorry terrible man for the record Council Woman Dorsey ask the question of Councilman Piagentini to ask specifically, was it regarding the affidavit?

"Chair George"

Absolutely, and just for clarification, we're taking these amendments individually and we're going to vote on them individually. I don't see anyone else on the queue. Can we open the voting for this amendment?

Okay, we can do a voice vote all those in favor.

All those in favor of the amendment, please say, aye, aye, any opposed.

All right, the motion carries item are amendment number 2.

[vote taken]

And will be seen on page 5.

Under under section B.

What this does is any rental unit or apartment complex that's found to have 2 or more existing violations.

We didn't make themselves available for an interior inspection.

Jason, if you want to step that out any further

"Committee Member Piagentini"

Madam Chair, I'm sure can I just have 1 more point of order if you don't mind.

In the same paragraph that we just voted that prior amendment, there was another double underlined section.

It said, quote to include checklist the formula owners of the top 5, most common fractions.

I was just taking it up at a later time. Are we going out of order? I just didn't know.

"Chair George"

So those 2 were together, right? Oh, gotcha. Yes, they were together in that.

I recognize we're all kind of learning and going at the same time, but I did mention. Yes, so it's that.

We're adding to the affidavit a piece that says to the best of our knowledge.

From the owner's perspective, the 2nd, piece to that is it requires codes and regs to provide this checklist to the top 5 infractions again, just to allow owners a place to focus. Okay.

"Committee Member Piagentini"

Got it. Okay. So we're doing this by paragraph really is what we're doing. Okay.

"Chair George"

Thank you, we're back trying to concentrate.

Issues and I'm open to any other ways that this might make sense.

Okay, okay so the 2nd, substantive amendment that's needed involves.

A paragraph B and again, what this will do is it allows more focus.

On what will require an internal inspection and essentially Jason, if you want to maybe step that out.

"Jason Fowler"

Certainly more backward the amendment reads as follows any rental unit or apartment complex that is found to have 2 or more existing violations of the property maintenance code.

On its exterior or interior common areas must be made available by the owner for an interior inspection of the Department of code and regulations to ensure the unit.

Is in compliance with the property maintenance code. The owner must schedule the inspection within 15 days of the date. The violations were found to exist. Furthermore.

The following sentence has been removed.

Where newly built rental housing units is verified by cross reference and inquiry into building permits.

Shall not be able eligible for inspection for 10 years.

Recently renovated units as verified by cross reference and inquiry into building permits shall not be eligible.

For inspection for 5 years.

"Chair George"

Okay, and if it's okay, let's take those out separately.

If it's okay, so let's talk about these, both those pieces separate. So the 2nd amendment that we're offering has to do with the piece about.

Um, any rental housing unit that's found to have 2 or more existing violations. Exterior wise would then trigger the interior.

May have a motion to to discuss that.

Motion by Council Member Dorsey and seconded by Council Member Flood
Councilman Hollander

"Committee Member Hollander"

Thank you Madam chair. I just have a question about.

How this relates to the total number of inspections.

Um, under the new ordinance, so the 1st sentence says continues to say that there would be randomly selected 10% of registrants for an inspection.

And then this new section would say, if you've got to code violations, you'd automatically have an inspection. inspection

The reason I'm asking this, obviously there's a financial implication to inspections.

We're continuing to say there'll be 10% random and then when whenever there are 2 violations would be.

So, they have, I guess we may get to this later, but is this.

Increase the number of inspections that we expect would occur.

in in a year or not

"Chair George"

I see Director Kirchdorfer is here my understanding is it would decrease the number of inspections in the way of what's required internally and the way i understood it the internal inspections is also what cost significant staff time in the way of trying to get participation so

The way I understand this, and I would invite Director Kirchdorfer for for to come forward is that.

Again, we're going to sample the same we're going to sample the 10%.

but again as part of that if someone goes out and identifies and there isn't the external they're not going to move forward with the internal Director Kirchdorfer

"Robert Kirchdorfer"

Robert Kirchdorfer director of codes and regulations.

We threw out that this number.

As a proposal of trying to do a test pilot, I mean, trying to come back in and try to get some data into the.

Inspections instead of random, so that was something. Usually you go in and say if a.

if a property has exterior or peeling shipping pain or window problems outside that you can see

More likely it's going to have interior violations, so we thought that would be a good basis. I did have. This is the 1st time I.

Earlier today, I saw the changes we didn't really get a full chance to discuss this. So.

The way it is worded, I was I was going to ask the question if given the opportunity on the 10%, because I would assume these would include in the 10.

That to reach that, because we don't know, I can look back at the numbers that we had the previous year that we inspected, you know, so many a percentage. And then if we're getting in those.

That's going to help reach that 10%, but if it's.

In addition to that 10%, we're going to be.

We would need more people if we're looking at the, if that answers the question. So I was taking this.

And maybe there should be some language that, you know, that we're trying to get the goal is to get.

Inside or make inspections at 10% of all the properties our goal would be trying to get in all the properties down the road. But, I mean, this would help in that 10% to trigger those. And it would give us a good base to get in on the properties based on data.

That we have exterior violations that's telling us say, there's probably a good chance. There's a problem if they're not maintaining the exterior.

"Chair George"

Okay, so just to clarify, I don't want to speak for the CO sponsors. The intention was not to create an additional number of inspections. The goal was to complement the 10% that are to be selected. And from that.

Focus on properties that we now have external issues to then drive the internal, which I thought was part of what we discussed with your office.

"Robert Kirchdorfer"

I think that's.

The goal, that's what I was thinking, the goal was the combination of trying to reach the 10% and then this would be this would allow us to get in those other properties that if we weren't being called.

These are going to be problem properties for were out there and then they would have to schedule an inspection where we could get into make inspection based off.

Known facts that we've already cited for other other violations.

"Committee Member Hollander"

So, it's, I mean, I certainly it makes perfect sense to me that where there are exterior violations, you might have interior and if we're going to have more interior inspections, that that would be a place to begin.

But I don't have language here.

I would suggest.

I think I'm agreeing with Robert here.

The way it's written I don't see, I mean, my 1st, reading of this was, we're going to do 10% random,

and we're also going to do everyone that has 2 or more violations and I don't see anything that says that those 2 or more violations are part of the total 10%,

and I'm only raising that issue because obviously there's a monetary aspect of that. of that

So, Jason, I don't know if you agree with me about that, but.

It's just a concern and I don't have language and but at some point, I think we might want to.

To make what the sponsors want clear.

"Chair George"

Councilman Piagentini

"Committee Member Piagentini"

sure. Let me just add to what.

Councilman saying, that's precisely why I chimed it as well. I think the plain language and I am not a lawyer, but.

You know, being a non lawyer reading it, I see nothing that indicates. that the inspection on those that already have two or more existing

violations are included within the ten

So, I think number 1, to me, this is a potential. This is just more inspections. So I, I've got, uh, the financial impact concerns. And then the so it sounds to me, like, we're going in a direction of, we're adding I agree with counseling.

I I don't disagree with the assertion that it makes sense that if your violations here, there might be violations there. So, I don't necessarily disagree with the language of the amendment, but if. unless something's changed here and i've been pretty clear about my concern with the ten percent generally to begin with but if something isn't clarified i'm probably going to be a nail on the amendment because to me this is all just adding

"Chair George"

Okay, so I think duly noted these are really good points. If it's not clear, we need to make it clear and so I'm, I'm interested in unless Jason you have something off hand. Do you want to. I mean,

"Jason Fowler"

I might suggest council women, um, beginning the sentence with during a randomly selected inspection comma. Any rental housing unit or apartment complex, and then proceeding.

"Chair George"

Council Member Dorsey

"Committee Member Dorsey"

So so, Jason, if we add that language. How does that change the nature? Are we saying that that language change makes that 10% inclusive of. Those that have the 2 existing. So, it's not cumulative.

"Jason Fowler"

Yes. Council Woman I would read that to mean that during that 10. those ten percent inspections if it were to be found A unit were to be found with an exterior defect than that owner would then have to schedule an interior inspection. That clause would tie that to the 1st sentence.

"Committee Member Dorsey"

so then um madam chair if i could directly to um Director Kirchorfer so if we do it that way it Thinking about the concerns of Councilman Hollander and Council Piagentini, and when it comes to capacity, would. That still fit the intent of. Of kind of the pilot that you are, you all were thinking to assert.

"Robert Kirchorfer"

No, I mean, as I stated before in the previous presentation, if we were going to.

do this fully and do the ten percent we were needing the fifteen additional inspectors and the staffing to pull this off and schedule the inspections are

Proposal was to I mean, off the side note of trying to do a test pilot, we were just doing a smaller area, a couple council districts.

And we're going to try to take a push and try to.

You know, do a period and address those look at the rental registry what we found some other additional information, and try to go out and send people to go inspect those.

And just do a rush on it and going and try to inspect that and see what those numbers.

What we found if there were violations or not in.

See, how hard it was to get into the

"Committee Member Dorsey"

so, maybe chairwoman um.

I think we do know, just if we just go back up to the 10,000 foot level, just talking about inspections, period. I mean, we can look at the community and we know we need more inspectors.

And if we had. had

In the gate rental registry, like, if we just look at.

I can just if I'm Frank, I can just go to my neighborhood and I could probably write up inspections myself. So I know that we need more inspectors.

I think the, if I go back to the Y, and I'm gonna get real basic here at TED talk,

the whole point of the rental registry outside of having purview of what our rental cache is is also a little bit of.

I hate to say it, but slide over legislation to say we know we need to enhance.

Our ability to cold to do code enforcement, period, specifically the way to.

Segment that is by saying, we have a rental registry.

And we can specifically do code enforcement based off of that registry.

I I don't think it's beyond any of our.

Imaginations that we need to add more code enforcement officers to be proactive, even if, because some of the things I think we've also adjusted is, even the timeliness of getting back to some of the existing ones.

If it's 7 days, sometimes we aren't getting back within the timeframe that we want to get back to. So.

I mean, the question is, is it.

Do we in order to pass this and maybe this is a county attorney thing if we know that we're looking at, we need to add more capacity, period.

And if we're saying, okay, in order to specifically do it this way, it's about 15 more officers and we pass this. Maybe this is a.

you know we talk about it offline but

are we passing it in conjunction with let me ask a better question Jason do we have to pass this in conjunction with a budget attachment if we know okay if we make this amendment

To Councilman Piagentini point and team explain if we make this amendment.

And we know we don't have the allotment for what it will take in the budget to execute this. How do we go about doing that? Or do we pass it or not pass it? Because essentially that's what it's going to come down to is if we make this amendment. And we say, and director control for saying, in order to do it this way, we're going to need about 50 more staff members.

"Chair George"

if I may before we before we jump into this
I think there are some bigger questions around what we have the capacity to do. And what I've heard throughout this process is it's not real clear. What, what will even be needed.
In the spirit of staying focused what I heard from.
Director Kirchdorfer from before was that
We need to refine this 10%. Like, we started out here with this expectation. There's a need to refine it so that perhaps it is less staff time.
That was the intention of the language that's added here.
Which was we're going from 10% that all would involve an interior inspection to now fewer.
Interior inspections and so.
In the spirit of all I'm asking is if we make the amendment, do we have to attach that to a line item essentially like a budget line item it.
Regardless of the amendment, like, do we have to do we have to account for it?
In the line item and a budget line item.

"Committee Member Dorsey"

So if we're saying, okay, in order to do this to to do this 10%.
Are we do we have to go ahead and account for it somewhere else? Or are we just making the amendment? We pass it and we account for it later.
That's what I'm asking. Just the process question.

"Chair George"

I'm not sure who that's directed to obviously. Okay, because I think.

"Jason Fowler"

The important to your question, it's a good question and I'm not sure I know the answer.
At this time, I would have to get back to you on that.

"Committee Member Dorsey"

Okay. I was just asking because I know we're coming to a vote on it. So I'm like, if I vote. Yay. You know.
Does that mean that, you know, somewhere in the background, we're making a note and saying, okay, we voted on this to prove it.
Maybe not until the final ordinances approved, but then, are we automatically by voting on it? Saying, if we know what's going to have a. Staffing impact were automatically also by the facto voting on.
Adding a line item to the budget, because essentially we're passing on ordinance that we can enforce.
I mean, so it was really just a bigger process question, but.
For the point of clarity, I'm in support of it. I just wanted to understand what the overall process impact was to capacity.

"Chair George"

Thank you Council Woman Purvis

"Council Member Purvis"

You Madam chair um, I'm kind of in line with counseling.
Seeing what she's saying, uh, the bottom line

"Chair George"

council member purpose we're having a hard time hearing, you.

"Council Member Purvis"

Hear me

Okay, um, I will send them I'm.

Kinda in line with the Council Woman Dorsey the bottom line is.

What is this going to cost us? Um, I don't want to get disappointed and say, uh, okay. Yes and and I don't have a, um.

Vote on the committee, but I don't want to be disappointed.

And knowing that this is something that is passed, and then learn.

Uh, within 3 to 6 months that we do not have the staff, because we do not have the budget.

And this has happened before last year, during the time that we approved it to add more zoning officers, find out 6 months down the road.

That we don't have them because we don't have the budget yet. No 1 communicated that.

To us, at least not to me, I didn't find out until I realized that, you know, there were a lot of.

Of, uh, illegal halfway houses that were not been, um.

We're not been identified and so I'm, I'm wondering what's going on and then I'll find out. Oh, yeah. Well, we don't have the money to do that.

I mean, that was so disappointing and I felt like I was letting down the community by, you know.

Having the, the energy and the passion to get these, um.

The additional is only and officers, and then to find out Nothing's been done.

Because we didn't have the budget to to hire the additional zoning offices, but.

What really was disappointing was that was not communicated.

"Chair George"

Thank you, uh, I would just say, I want to remind folks that.

Between and OMB and Codes and regs, we have some cost estimates, right?

They provided as estimates year 1 cost of 3.3Million they.

Estimated year 2, a cost of 2.3Million, those estimates were based off what Co sponsors originally proposed in his ordinance, which was a random 10%.

So, that's where we started.

And now we're, we're refining that to say.

It's actually going to be fewer than 10% in the way of internal inspections, which is where.

What I've heard a lot of staff time is absorbed.

"Committee Member Dorsey"

So, if I may council Woman George the majority, then, then I'm in support that what I was trying to understand. So, now I have clarity. I was a little bit confused. So, if we are, if the cumulative.

Is an overall net decrease.

It's not like, we're my mistake. I was thinking we're adding on to the dish over and beyond the 10%, but if that cumulative is actually less than that 10%, then I'm in full support.

My, my original assumption was that when we added that. added that It was a net increase, but it's actually a net decrease. So we've already accounted for it.

Through the original financial impact statement that that was requested.

"Chair George"

Yes, it would actually be a decrease and I'm looking over at Director Kirchdorfer for it would be less money because it would be less staff time to try to get into the properties.

"Robert Kirchdorfer"

We would already be there going back. Now, the question's going to be. Will that help on those that we're already there? Will we be able to get in? That's the.

That's going to be the challenge and until we start enforcing it, that's the thing or the owners or the tenants going to let us in.

Okay, so they're, they're going to have to schedule them. That's what's going back to the original proposal with staff and stuff. They're going to have to call them in and get them scheduled and then we would have to. When you start scheduling things, we got to be out there. That's what we need the extra staff for to make. Sure because that's kind of a different program. They're calling to get in.

We want to make sure we can get in and be if the owner's going to be there if the tenant is going to live in there, we need to be able to meet that schedule.

"Chair George"

Okay, thank you. Thank you.

"Committee Member Hollander"

I really wasn't trying to complicate this.

I think that you could say, I don't have the precise language, but I think you could, you could get to what you said you want by just beginning this be with the, any rental unit that's found to have 2 or more that whole sentence.

And then say, on an annual basis, the Department of coats and regulations shall be required to.

Randomly select registrants and conducted an inspection of the rental housing unit to.

To to, um.

Again, I don't have this language, but essentially to say.

To reach a number that's 10% of all registrants. I mean, that's really what you're saying.

And I thought somebody else wordsmith this, but that's really what you're saying. You begin with the.

That everybody's got to 2 code violations, right? That would be an interior inspection. And then you're going to do more randomly. To get to 10% of the total registers and again, I don't think it says that currently and and. If that's what you're trying to say, it might be a way to fix this. Jason. I'm not.

"Chair George"

Yes, Councilman Piagentini

"Committee Member Piagentini"

that is very helpful uh, because up till now, I, I haven't understood how this would get.

To even net neutral at 10%, but I think that language would help, but I think even with that said, I want to be super clear with what we're saying here, which is.

If let's just say that I pick a property.

1234 ABC street. Okay. And that was randomly selected as part of your you're trying to get to 10%.

Inspector walks up, starts reviewing it.

Okay, 1st of all when they start reviewing it, they would have when they selected it, they would have I'm assuming contacted the property owner and requested internal external access. Correct?

"Robert Kirchdorfer"

Our original process on the ones that we were going to run a report and try to come up with the 10%, you know, say, hey, these are going to be our 10%.

That we need to inspect, we would go in there and have staff.

We would need additional staff to reach out to schedule those.

To reach out the owners to try to schedule those to be able to get a date to get in kind of like we do with inside. We work with the owners to get a date so we could schedule our inspectors. That's what we'd need.

The more the additional staff to schedule those inspections, the ones that were already out there, and they're following up on on the other ones.

We probably can pick those up routinely with the inspectors in areas. It might be a little bit of an increase, but we have some floaters and other stuff. So it might not be as much as what we originally.

"Committee Member Piagentini"

But the point is, if you pick a random property.

You're scheduling it, which means you're expecting both internal, external access when you when Jane Doe inspector shows up.

If they, if they, if they find 2 or more existing violations.

While they're there. Okay. Um.

"Robert Kirchdorfer"

Let me back up here on the, the ones that we would schedule.

We would be scheduling for an interior inspection.

So, we would be not going out to that 1.

Until we try to get in, unless the owners aren't responding if we send them a letter, send them an email.

Saying, hey, we need to schedule this give us this.

We throw out some dates, they threw out some dates. I mean, there's different ways we can do that, but we could schedule that inspection so we could get in. So the other ones would be from routine property, maintenance inspections that were out to the site. That we've already been out had metro called complaints to responding. And we decided for certain amount of violations. We would be able to run reports and trigger and flag those properties. So they would be also included in that 10.

"Committee Member Piagentini"

Okay, so maybe we're finally getting at it because the language didn't make any sense to me because to your point, if you're scheduling it, you have internal external access. So you wouldn't have to say well, I've got 2 violations.

Now, we need internal access, but what you're saying is.

What you really be doing, maybe on a quarterly basis or an annualized basis, you're going to say, hey, we already know these properties have 2 or more.

They are going to now they're external, so now we're going to require them to do an internal and schedule within 15 days. Let's say that produces.

A 100 properties, and to get 10%, you need to inspect a 1000. now you're only going to create a a random list of 900 properties, because 10 of them you've already found through this process. Is that correct?

"Robert Kirchdorfer"

We can look at the. at the

Yes, we could run a report and try to estimate until we get into it. We would we will know a lot better for the year to see what our.

Capacity is, but, I mean, we would be working off.

A scheduled list, and then every day would be out there, making inspections with violations.

If they had 2 or more, we'd be trying to get in.

"Committee Member Piagentini"

I I think my point Madam chairwoman is.

I'm not getting the warm and fuzzy here. 1st of all I support what Councilman Hollander is saying is sort of proposed right? And I don't know how to wordsmith that, but I think he gets to the point, which is the intent is the combination of all this shouldn't should not exceed 10%.

Um, with that said, I'm not getting the warm and fuzzy from Director Kirchdorfer for that. We have thought through a process and I get why it's difficult to be clear. I understand you don't have the personnel right now right?

I mean, this is all theoretical at this point, but I'm. i'm Not sure.

We have a process that, hey, if we pass this today, that.

I would have some clarity that we're executing at 10% and not 20% or not 25% right? Because you'd want to protect.

The fact that by mid year we've already exceeded 10%.

And because of the process that we've created has already generated so much activity, because, I mean, this is a huge shift. This is a 65% increase in staff.

I mean, the logistics and the operations behind, this are a big deal. And so, you know, I get what we're getting at here so I'm not so much object to the language. I'm more concerned that we haven't thought through a process to protect against, making sure this doesn't get out of control.

"Chair George"

Okay, thank you. And I, I certainly appreciate the overall concerns with the process.

I would just ask that we would say, focused on the amendment that's before us, which was specific to this idea that we have a 10% that we're starting with and we're narrowing that focus. focus

To only do internal inspections on those properties that have 2 external violations. So we're narrowing the focus and ideally.

Reducing staff time as it relates to having to do internal inspections on all properties and all the 10% that we started with.

So, I'm going to ask Jason if he has proposed language that, that gets us to this piece, because I certainly appreciate the need for clarity.

"Jason Fowler"

Under the gun here, a Council Chair George and I think I may have.

Um, it I suggested, uh, added sentence that after, um.

Must be made available by the owner for an inspection.

By the Department of codes to insure the unit is compliance with the property maintenance code. It would then read these inspections shall total. No more than the annual 10%, random inspections.

With, uh, with that, I believe that would, um.

Contain the inspections as as the members have been discussing.

To that total of 10%

"Chair George"

Council Member Dorsey

"Committee Member Dorsey"

So, if we reach that 10% to say a councilman.

Point right and I'm just going to be honest say you're between.

Taylor Berry Manslick and West Louisville you may hit 10.

Very quickly, because, I mean, we're talking about area town in which a lot of the property.

Is we're struggling with soif we hit that 10% of inspections of what is.

Because we're basing that 10% off of what to registered if we hit that.

Per the ordinance are we.

do we stop or cease inspections or is or does do we just hit that clause in regard to proactive.

"Jason Fowler"

Thank you for the question Council Woman Dorsey. I'm not sure if it would be, um.

A, a, a total.

Um, I'm not sure that it would be the case that we would start proactive measures. This is, um.

An attempt to ensure compliance those folks that are coming on.

To the registry are are swearing in an affidavit that they aren't in

compliance and codes would still be able to enforce.

Violations as they are received by.

The community and the 311 process.

So, what I was asking is if we add the specific language of not to exceed, do we.

Do we inhibit ourself by, by adding not to exceed and I know you're under the gun and we may not have the language today because I know that's a.

That's a weird nuance of achieving the 10%, but maybe not limiting ourselves to the 10.

"Jason Fowler"

Thank you Council Woman, perhaps adding these interior or are these, um.

These interior inspection and shout total no more than.

10% of the annual random inspections.

"Committee Member Dorsey"

Thank you.

"Jason Fowler"

And I can reread that language and into the record.

"Chair George"

Yes, please.

Very well,

and reminded switch section you're on which paragraph

"Jason Fowler"

in paragraph? 9 be.

The 1st sentence to remain.

Unless I took the council.

To mean, that that sentence was no longer needed, but.

The amendment would be any rental unit or apartment complex that is found to have 2 or more existing violations of the property maintenance code on its exterior into your common areas.

Must be made available by the owner for an inspection.

An interior inspection by the Department of codes and regulations to ensure the unit is in compliance.

With the property maintenance code, these interior inspections shall total. No more than the annual 10%.

Random inspections, the owner, my schedule, the inspection within 15 days of the date.

The violations were found to exist.

"Chair George"

Thank you. Are there any questions with the amendment.

Um, all those in favor, please say, aye aye.

Any opposed okay, the amendment, uh, was approved.

[vote taken]

The 3rd amendment that we are offering, seeks to strike the language around, um.

Newly built or newly renovated units. Previously we heard director store for mentioned the complexities of.

Of trying to understand when permits were issued and.

As we have struck the language, we reminded that.

These inspections the department has discretion on.
What would require an inspection versus what they would accept in lieu of the affidavit so.
The thinking is, is that by striking this language? Um.
We essentially would put that back to codes and regs to use their discretion on whether or not something would need an inspection.

"Committee Member Piagentini"

I think technically we want to make we can make a motion and then debate it. Yeah.

"Chair George"

Thank you may have a motion.
2nd motion by Council Member Dorsey 2nd by Council Member Hollander
Councilman Piagentini

"Committee Member Piagentini"

thank you. Yeah.
I, I honestly do not care how difficult this is to implement. I am.
I couldn't be more against this particular amendment.
Look, I already have broad concerns.
With this whole thing, and I, we, even in the indicated in 5 council districts alone, there's like thousands of units that aren't even registered.
So, who are we penalizing here? Right? Other than people that are following the rules.
And I don't disagree with counsel and endorses point that we need more inspectors, and, you know, related to enforcing the law on those that are clearly flaunting it.
Which includes those who aren't registering, and I would say they are the numerous SunOS on who we should be enforcing the law. So, now we're saying that those that are registering.
Building new and renovating and doing everything they're supposed to do are not going to be even considered for an exclusion on the random on it.
Yeah, I.
It smells too much like, we're demonizing good actors people who.
I mean, I have more and more emails every single day.
I just got 1, is we were sitting here from people who some, our constituents, some aren't.
Who every single 1 when I tell you are small 1 was a woman on social security with a property, right? Uh, this 1 is a gentleman with just a couple properties small.
These are all local people who live locally who own rental property and are doing. Exactly.
What they're supposed to do, and in this particular case said, you know what I'm telling my realtor don't even recommend property in Jefferson County moving forward. And this is the.
Kind of language that if we take it out, we're not giving any concession to those that are following the rules registering.
Doing what they're supposed to do investing by renovating.

"Chair George"

May I speak? I think maybe there is a misunderstanding of the intention here. Right?

So the intention here is not to be inspecting are newly renovated or newly constructed.

Properties, the intention is to not inspect those properties, what we previously wrote was an attempt to not inspect them. Right? Because we specifically said you wouldn't be eligible if it had been 5 years.

10 years what we heard Director Kirchdorfer say is we don't and he can step that out in terms of and remind us what the logistical challenges were.

But what we heard in 1 of our presentations was that it was logistically difficult for them to understand battery moving and striking the language. What we say is.

They have the ability to use discretion. I trust their staff do not want more. They don't want more work. Right? Their staff are incentivized to want less work. And so if they pull a property, that was, you know, that they see was constructed 2 years ago.

I'm going to assume they're going to refer back to the affidavit that they have the ability to do in the language.

Yes, yes, thank you.

"Committee Member Piagentini"

So use the word that I don't.

Have and that's trust and that's not because of Director Kirchdorfer right first of all i have no idea if him or who is going to be in the seat in in the next several months not to mention we're writing a law that will be here for years i'm assuming he'll retire at some point and you know benefit from the fruits of his labor and i have seen not just in Jefferson county and a prior jurisdiction that i lived in the inspection process was used as a tool to punish people that either the government or others didn't like

So, I can tell, I mean, that that was personal experience and so.

i would if you just gave an example that if the inspector sees that this place was built two years ago which quite frankly is super easy to see in now we have between logic and our other database i think it's Develop Louisville's process and a few other things i think it's getting increasingly easy to know if it's recently built renovated that does get tricky that one i was actually concerned about what the definition of renovation is and we could debate that

But what that would at least give by maintaining the language is an appeal process, right? That if that if a.

Property owner was outreach as part of the proactive inspection, they could say. Well, hold on a 2nd, I recently renovated. Let me show you how I've renovated it so that they could say, look, I don't have to schedule this because I renovated it.

Right and it pushes back I consider it as a protection against the government who I inherently don't necessarily trust that they would do this that they would use the discretion that you're saying that they should use.

So, yes, if all government inspectors.

way terrific but in my experience that is not always happened and i would rather default to protecting the good actors right again that's all this was really intended to do and i understand that intention so i think we should codify

to the best of our ability the intention even if it's difficult to implement

"Committee Member Dorsey"

Is it possible?

I'm going back to a conversation with Council Member Chambers Armstrong part of what she had worked her way through with the lead ordinance was actually actually addressing some of Councilman Piagentini issue because 1 concern was new build renovations. And I think maybe the 3rd provision of hers, which was having a certified maintenance personnel, probably doesn't qualify.

By, but in her revisions, it does address.

A provision around the certification around lead to say, if it's been newly renovated and or new build,

and some affidavit type of process that she was putting forward to certify either through pulling an electrical permit because I think she said specifically electrical,

because that meant that the walls had to be most likely torn down if they were going to redo electrical. But I do know that she was working.

Through a process to address that point to say if it's.

Newly renovated or new build and I'm going to tell you what that clause is for me because if we just say new build.

We to Councilman Piagentini's point has 1 of the fastest growing districts, but then what we do is isolate.

Really kind of the, the urban infrastructure that.

Not necessarily include a lot of new builds, but more, so that would be rehab structures most likely and then in the newer part of Jefferson County, we would be new builds.

So, I think the, the only way to do that equitably to look at into to reconcile, okay, if it is a new build,

we also need to look at the classification of a renovation even though it's tricky but I would suggest if we could.

And I hate tabling this, but maybe look at Council womans. Um.

Cassie Chambers Armstrong ordinance and the language that she that she is using around the lead provision, may give us the same type of flexibility that we need to address that concern.

Because I know that was 1 of her main concerns was to not.

Necessarily have to inspect buildings that were newly renovated or new builds in regard to lead, which I think kind of gets to the same point.

If I'm.

understanding Councilman Piagentini's point i think if we use that similar language we would address his concern and it would also be Coincide with the language around the lead on this as well.

"Chair George"

So, I am open to any language that gets us to what we.

What we want to see, because I think the consensus is no 1 wants us to spend time and valuable resources and see Director Kirchdorfer has something but let me just finish.

And that is to say, no 1 wants to see us spend our time inspecting units that we know have been renovated. And that we know have.

Are newly constructed regardless the language we have doesn't work because what we heard from Director Kirchdorfer in a previous.

Meeting was that they weren't this wasn't going to be easy for them.

Logistically. So I guess I would say I'm still very supportive of striking this existing language.

And then if there's additional language we want to add, I'm fully supportive.
Yes, Director Kirchdorfer,

"Robert Kirchdorfer"

if I can just reiterate going back in the concerns we had with this language.

The 1 thing was on renovations, I mean, you know, alterations our computer system that we use.

It would have in there, but, you know, it could be renovating 1 unit, but the address would come up. It wasn't saying that was typed out in unit 101. so if we're trying to run a report.

Have an, I T, pull information out of our system.

We would have a lot of bad data that wouldn't be able to tell if there was 1 unit or whole 1 and it came in with 1 unit. That address pops up. We're going to say, hey, it was renovated.

It's not saying in a total renovation, it could've been alteration 1 unit.

On a new bill, it could have been somebody it was apartments and they built.

You know, a garage on a unit had said, you know, new build and.

That address got, I just saw flaws and trying to use the reporting if we're going to base that off of new building, other than.

Maybe the inspector went up there and some new buildings said, hey, let's cancel this. Let's move on. We can try to do some other things. It would also it would be less time on us.

To have to run those reports and find out there's problems and spend a lot of data. That was, that was our concern, especially on the renovations. The new builds would be less, but there still could be some. Complications there that was that was the.

The point I was trying to make across there.

"Chair George"

Okay, thank you. So, going back to you.

We can always add additional language that gets us to that intention. But the language that we have in does not.

Does not satisfied, so all those in favor of striking the specific language related to building permits and eligibility under paragraph B please say aye aye aye.

Any opposed do we want to open that up?

Nope. Okay. 1 day and.

The remaining yeses so the amendment passes.

[vote taken]

Um, and I would just encourage colleagues to work on that language of what they want to see in advance of the next meeting.

Next amendment we have is on page 6.

And this is specific to, um.

Paragraph D, as it relates to.

Rental fee, or I'm sorry registration fees.

So, we heard a lot of concerns about the equity between single family homes, versus multi family,

and what is proposed here in in the amendment would create a registration fee based on the permanent maximum density as it relates to zoning classifications. So, I'm going to ask Jason to speak to that.

"Jason Fowler"

Thank you Chair Woman

Following amended language and paragraph.

The fee structure shall be based on the following zoning classifications.

R4 Max 4.84 per 8 or 25 dollars or 5 Mac 7.26 per acre, 25 dollars.

R a max 12.01 per acre 50 dollars.

R 6, Max 17.42 per acre 50 dollars or 7.

Max 34.8 per acre, 50 dollars or 8.

Max 58.08 break or 100 dollars.

oh our max twelve per acre fifty dollars or two fifty eight point eight per acre one hundred dollars

Oh, Max, 217 per acre 250 dollars.

C. R. Max 38 break or 50 dollars.

Max 38.84 break or 50 dollars Max 217.

Over 145 acre, 250 dollars.

Max 435 per acre, 250 dollars.

Cn and up end up none 50 dollars.

Read in full

"Chair George"

May I have a motion.

Motion by Councilman Hollander and 2nd by Councilman Piagentini

Are there questions?

"Committee Member Piagentini"

Yes, I, I'm assuming the intent is just instead of a flat fee. You're just so if I were to understand this properly.

That if I've got a single family home that I'm renting in zoned area, I'm paying 25 bucks. If I've got a high rise.

In a C3 zone with 300 units per acre. I'm paying 250.

Yes, yeah, I mean, it's, it's better than it was, so I'm going to be supportive of it, but well, but, I mean, it's still not, you know, quote equitable.

I mean, this is, you know, because if you're renting out 1 house on an R4 piece of property, you're, you're, you're.

Getting charged, you're 25 bucks if you're renting out, you know, 400 units, you're getting.

Paid 5 X, not, you know.

200 X, so but, I mean, that would be a pretty high number as well. So, I mean, it is what it is thank you.

"Chair George"

Thank you

"Jason Fowler"

Chair Woman George before the vote I would like to add in paragraph. D. we did strike of 100 dollars.

As an amendment as well

"Chair George"

Thank you all those in favor amendment. Please say, aye, any opposed.
Amendment is approved

[vote taken]

we're at 5 o'clock and we have 2 more amendments. I would just draw
colleagues attention to 1 is specific to the revenue commission. This was
a request that they made.

I think just again, it might've concerns with administrative challenges.
That's on page 8 and then there is an amendment on page 9 related with.
How this would be the timeframe that would be allowed for.

Codes and regs to implement in a phased process that would be involved 6
months as well as 9 months to to be full scale. So.

Those will be discussed the next committee meeting.

And at this point, I would entertain a motion to motion to table people.

Thank you motion to table by Councilman Piagentini and seconded by
Council Member Dorsey all those in favor.

Please say I, and with that your meeting is adjourned Thank you.