

The Problems With Tenants, Landlords

BY THE CITY OF
JAMESTOWN
DEPARTMENT OF
DEVELOPMENT CODE
ENFORCEMENT AND
HOUSING STAFF

HOUSING CORNER

Ask any housing official about what some of their toughest challenges are, and you can bet that the issue of dealing with rental property owners and tenants will always be at or near the top of their lists. It's no different in this municipality and there's been plenty of debate about it.

Owners of rental property continually express their displeasure to us, and anyone else who will listen, about being cited for things their tenants do, which include things like leaving garbage and debris everywhere on the property, dragging in unregistered vehicles, creating unspeakable interior and exterior damages, not paying their rent, etc.

They complain that even after they clean up the garbage bags and debris, repair the broken windows and get the unlicensed car towed away, those same problems happen all over again, thanks to their tenants. Inevitably, a neighbor calls our department to complain about the conditions and we have to cite the owner again.

On the other side, we get calls from tenants about leaking pipes, broken windows, no heat, no water, electrical problems, holes in the walls and floors, cockroaches, loose and hanging ceiling fixtures, etc., all allegedly created by their landlord, who doesn't listen or ignores their plea for help (many of these calls come, of course, after they have been evicted by the owner and are moving out and they want to be sure that the next person renting from this landlord won't suffer the same fate. Now that's thoughtful.)

So who really is responsible?

According to both city court judges, the rental property owner is the primary individual who must be cited by our department when a violation is reported at one of their properties and has been confirmed by inspection.

In the court's view, the rental property owner made the decision voluntarily to enter the rental business, and with that choice, they assumed the risk and legal liability for anything related to those properties (management, maintenance, lawn-mowing, repairs, health and safety issues, etc.)

That being said, if there is sufficient, solid evidence provided to us that a tenant living in the building is responsible for violations, there is nothing preventing our department from bringing them to court as well, and we have done that whenever possible, but we have to be able to prove that responsibility. In a one-family rental, it can be easy. In a multiple unit, with three or more families residing there, it can be a nightmare since everyone will blame everyone else for the problems.

Many of our complaints each day come from angry neighbors, most of which are homeowners, who tell us they are sick and tired of both landlords not maintaining the property and for renting to such "undesirable" people and the tenants for being sloppy, inconsiderate, rude, threatening, and unsanitary. They not only call us, they often call their councilperson, the mayor's office, and the police department and, of course, they contact us.

As a department, we are obligated to follow the directives of the court and the City Council as far as the administration of all city housing codes, so when an inspector is assigned a com-

plaint, he must cite the person whose name appears in the city assessor's role, namely the owner.

Overall, real estate investors are smart people, and they likely know which of their tenants is causing problems at the residence. If they are willing to provide the department with evidence or information that can be verified as to which party is responsible so they can also be cited, we would welcome it.

We continue to encourage rental property owners to better screen the people they are considering renting to. Do the homework. Do complete background checks, credit checks, use internet-based services if you have to and get solid references. We know even this doesn't always work and you get fooled, but it's well worth the effort most of the time.

And don't believe the "sob stories" tenants use to get access to an apartment. Use good judgment and common sense you were given and check out every last detail.

It shouldn't always be about the money. We understand that's the primary reason why real estate investors chose to get into this business and, in Carlton Sheets' infomercial fantasy world, everyone should be living on yachts sipping champagne as the cash rolls in, but the reality is that just one undesirable tenant can cost you thousands of dollars in damages to your property, plus the cost of paying a lawyer to file an eviction action.

We understand and appreciate the frustration and agree that tenants create many of the problems at rental properties. We know the selection of desirable tenants isn't as great as it once was and that owners tear their hair out, lose sleep and lose money over the things bad tenants do.

But in the end, it's still the owner's name on the deed and, in the eyes of the law, they are legally responsible for keeping the property in good repair, keeping it clean and sanitary, cutting the grass and protecting all exterior and interior surfaces from deterioration — the very same requirements that every homeowner must meet.

The Upper Room®

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Widening Our View

Read Matthew 25:31-46

The king will answer them, ". . . just as you did it to one of the least of these who are members of my family, you did it to me."

— Matthew 25:40 (NRSV)

While walking with my husband along an Oregon beach, I scoured the sand looking for shells and sand dollars. I kept a slow pace to ensure that no treasures were missed. My husband, Ed, kept saying, "Look at that sky. It's beautiful. Don't miss it!"

Each time I responded, "I will. . . in just a minute." Unfortunately, my "minute" was so long that when I looked up, the flaming red and pink streaks across the sky were fading. I could only imagine how beautiful the sky had looked earlier. I had missed something spectacular.

Missing a beautiful sunrise because of my limited focus was frustrating. Then I wondered how often I do something similar spiritually. When my focus centers on me and my interests, not only is my vision limited, but I also miss the joy and satisfaction of helping others. Jesus taught that we can trust God to supply our needs. We can widen our view

AREA NEWS



A few of those attending the May 29 meeting of supervisors and mayors are, from left, Fredonia Mayor Michael Sullivan, John Walker, Sheridan town supervisor; Ron Piester, state Codes Division director, and John Monaco, Fredonia's chief code enforcement officer and Western Southern Tier Building Officials president.

Code Director Speaks To County Supervisors, Mayors

Speaking at the monthly meeting of Chautauqua County's town supervisors and village and city mayors, Ron Piester framed the responsibility and reasons for effective code enforcement in each jurisdiction.

Piester is a registered architect who comes from a family of builders who has become the state Department of State Codes Division director. He reminded the government leaders that building codes are safety codes, that while police and fire departments are first responders to disaster, code enforcement officials have been nationally recognized as first preventers to thwart disasters.

"When a building is built correctly, nothing happens — just as it should be," Piester said.

Piester said well-constructed buildings are good foundations for economic development, because current codes require energy-saving construction, promote construction with recycled materials, and result in buildings that are long-lasting.

Hitting on an issue locally highlighted, Piester asked, "Do Amish buildings need to meet building code stan-

dards?" His answer was, "Yes, there are no exceptions based on religious beliefs, but how do we deal with this?"

Piester said the codes division regional engineers look at two approaches. The first is to educate all builders, Amish included, to understand the safety specifics of building codes and to help them adjust their buildings to meet the codes. The second option is to apply for variance from specifics of the building code on a case-by-case basis.

Chautauqua County's regional engineer is in Buffalo. He can be contacted through the Albany main office of the codes division, and his contact information is on the Web site for the Western Southern Tier Building Officials at www.wstbo.com, the association of code officials in and near Chautauqua County that arranged for Piester's recent visit.

Piester said the statewide uniform code began in 1984 following some disasters in the country. New York's building safety codes are now based on the model codes of the International Code Council, and each municipality is required by state law to locally

enforce the uniform code.

Piester acknowledged that proper code enforcement can be costly, but is "money well spent" for each community.

John Walker, Sheridan town supervisor, thanked Piester for the presentation and said he hoped all supervisors and mayors were working well with their code enforcement officers.

"I'm sure happy with mine," Walker said.

John Monaco, Western Southern Tier Building Officials president, said he was pleased that the codes division director traveled from Albany to visit Chautauqua County, where several sensitive code enforcement issues have made recent headlines. Monaco encouraged all municipalities to have their code officials join and participate in the organization so the dialogue could continue.

The group is the local affiliate of the International Code Council and the New York State Building Officials Conference. It holds monthly meetings, often with certified training. Additional information and applications are online at www.wstbo.com.