

SUBSTANDARD LIVING CONDITIONS SPECIAL COMMITTEE

JANUARY 14, 2021

A meeting of the Budget Review Committee was held Thursday, January 14, 2021, at 7:00 p.m. via teleconference.

Chairman Schmidt

As Chairman of the Substandard Living Conditions Special Committee, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

To access Zoom, please refer to the agenda or the City's website for the meeting link.

To join by phone dial: 1-929-205-6099 Meeting ID: 872 1887 4922 and Passcode: 060551

The public may also view the meeting via Channel 16.

We previously gave notice to the public of the necessary information for accessing the meeting, through public postings. Instructions have also been provided on the City of Nashua's website at www.nashuanh.gov and publicly noticed at City Hall and Nashua Public Library.

If anyone has a problem accessing the meeting via phone or Channel 16, please call 603-821-2049 and they will help you connect.

In the event the public is unable to access the meeting via the methods mentioned above, the meeting will be adjourned and rescheduled. Please note that all votes that are taken during this meeting shall be done by roll call vote.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-To-Know Law.

Alderman O'Brien called the roll and asked them to state the reason he or she could not attend, confirmed that they could hear the proceedings, and stated who was present with him or her.

The roll call was taken with 4 members of the Substandard Living Conditions Special Committee present:

Alderman Jan Schmidt, Chairman
Alderman Ernest Jette, Vice Chair
Alderman Thomas Lopez
Alderman Skip Cleaver (arrived after roll call)

Members not in Attendance: Alderwoman Elizabeth Lu

Also in Attendance: Alderman-at-Large Lori Wilshire
Alderman Patricia Klee
Nelson Ortega, Code Enforcement Manager

ROLL CALL

Chairman Schmidt

I am here and I am alone in the room.

Alderman Jette

Alderman Ernest Jette is here, I am alone and I can hear the proceedings.

Alderman Lopez

I am actually still here.

Chairman Schmidt

Good. I did receive information from Alderman Lu who is unable to attend today.

Alderman Jette

OK, Alderman Lopez you are here?

Alderman Lopez

Yeah, I am here, I am not accompanied by anybody in my apartment and I can hear the proceedings.

Chairman Schmidt

Alderman Cleaver said he will be joining us later; he's with a meeting with his Ward right now.

Alderman Jette

Ok.

Chairman Schmidt

So we also have, go ahead Alderman Jette.

Alderman Jette

We also have in attendance Alderman-at-Large Lori Wilshire.

Alderman Wilshire

I am here, I am alone and I can hear you.

Alderman Jette

OK, thank you. Alderwoman Patricia Klee is here.

Chairman Schmidt

I think that's it.

Alderman Jette

I think Nelson Ortega from the Code Enforcement Agency is also here.

Chairman Schmidt

And later on we hope to Sarah Marchant, the Community Development Director. This would be the moment for Public Comment if there is anyone on line with us; although I do not believe I see anybody just us few. So tonight we are adjourning for one of the very first times since this pandemic began. We had hoped to have Heidi Peek with us, the Health Officer who was going to do a presentation for us. She got very busy and she's not gotten any less busy since this has been going on.

One of the things that we were talking about, especially with Alderman Lopez was the fire that took place down in the center of the City and the problems that the City had notifying the people who were there and the person who might be responsible, the landlord or someone who works there in the building. It seems that while we were talking about that, Sarah Marchant went ahead and took care of it for us. So Mr. Ortega is here tonight to explain to us how the program works and how people can access it if they need to give us that information and how far along they are on the process. Mr. Ortega?

DISCUSSION

- Landlord Contract Information

Chairman Schmidt recognized Code Enforcement Manager Nelson Ortega.Nelson Ortega, Code Enforcement Manager

Yes, after we responded to this project back in September/October we figured we normally have ways of locating a landlord, sometimes the City or a property manager, sometimes it takes a little longer. But they've had a few instances in the City back then that the Fire Department was unable to reach the property manager or property owner. They reached out to us and this happened to be two properties that we didn't have any information on because not only we don't have contact with a property, we normally don't have a contact for a property manager because they are usually properties that are not known to us. The ones we know are ones we come in contact with all the time or we reach out to. But when we get a property that we have never had contact with we're like, OK well this is a new one for us. So we have to figure out a way to – the Ordinance has always been there, there's always been an Ordinance that all landlords or property managers should notify Code Enforcement with their contact info. And for the most part, we have that for properties, again, that we always come in contact with.

We try to determine OK what is the best way. Sarah and I sat down to talk. What we did is I figured we could just do a mass mailing to the City for anyone who is listed as a property owner or a manager. So what we did is I sat down with IT, Jason in IT, to try to figure out how could we do this where we kind of narrow it down to who is a property owner and who is a property manager? So we kind of developed several lists; one with what we had pre-existing of contact information and IT pulled all of that information out from the old City View which is our old software we used to have and then our new software Civicgov. So we were able to pull out all of this information that gave us lists and phone numbers and addresses of these particular managers and property owners.

We then also compiled a list of all the – because we also have a lot of condos that are rentals. Code Enforcement does not have jurisdiction over condominiums. We do have jurisdiction over condominiums when they are a rental unit. So we were able to get a list of all the condominiums that we have on record through Community Development, the Zoning Department and put that list together. And then what we did is IT sat there and they developed a list of anyone in the City who had two units or above. So if you own a condex and you lived on one side and you rented the other side, we would have that address. Once we got all those mailings lists together we had to go through each one and kind of, it was very cumbersome because

it took a good month and a half just to put those lists together.

Then we sent out almost 4,000 letters throughout the City; Assessing and IT also pulled some of the records through Assessing, which is where the software pulls information from in the first place. So whatever there is on record there got pulled in. So we sent out almost 4,000 letters each one with three notices, three sheets of paper. One was a letter introducing the Ordinance, one was a copy of the Ordinance itself and then one was a form that we developed. I sat there and developed a form where the landlords can put their address where the property is, the number of units at the property, then their information if different from the property that they are renting because some of them, as you know, don't live in the same buildings. And then all their contact, cell phone information if they wanted to make their cell phone public; otherwise they have to put a phone number where someone can reach them; email addresses. And then the contact information of their property manager if they have one, because a lot of owners manage their own properties, but if they have property managers they listed their information, property manager's information. It was very informative for us as far as the sheet.

We sent that out and it was really daunting, I have a box in my office with probably 3,000 letters, forms filled out; we got a good response to it. Once we got it all together I posted it on Facebook on the website, the same information so people will know. IT did try to add filters to try to prevent single family homeowners. Unfortunately a lot of letters went out to single family homeowners. So we spent a lot of time calling back, you know, 400 or 500 residents in the City letting them know, because you know they got this letter saying, Hey we need your information there's a \$50.00 fine if it doesn't comply with it. And we are like why are we getting these calls. So IT figured out how that happened so we kind of through a second batch of mailings to the first 2,500 letters went out a month and then the second, you know, 1,500 or so letters went out like 2 ½ months later.

So we figured it out for the second batch. But people were very, when we called them back, just the fact that we called them back, they were very grateful that we explained why they ended up getting that letter and that they didn't have to, that it's not meant for them. They were single family owner occupied homes; you don't have to fill that form out. If you rent a home then of course you will have to. One of the things that IT looked for when they prepared the mailing list for us was if your address let's say 229 Main Street, your rental, your property that you have a mailing address out of the City somewhere else, then you got moved into that mailing package. Because you own a property here but it says your mailing address is in Concord, so those good moved in. So that's how we ended up being able to find out single family homes that are also rented in the City.

So we now have single family homes, we have the same situation happening with condominiums that we have. A lot of condos that are rentals, even some that we didn't know, because, again, we never had contact with them because they are condominiums the Association deals with their problems unless it is a rental and the tenants thought they weren't getting any assistance from an Association or from the owner. So we have condo owners now, we have single family home owners that are rental units, obviously the multi-family rental units we have. And then we have the small ones, the condex, the two homes, the owner lives on one side, they rent the other. And we usually don't have any problems with those types of homes where the owner lives next door and then the one next door is a rental.

It was a big undertaking just putting that together. We finally got everything out, we got a very good response by mail but we also got an even bigger response online because you have the choice, when you got the mail you had a choice of filling out the form, the physical form or going on to our web site, the Code Enforcement website, because we have a link there just specifically just for Code Enforcement Emergency Information Contact. So they click on that and it actually opens up the form that they got in the mail. So they were able to fill it in online so they didn't have to worry about mailing anything. So we have a mass, we have about 300 on the computer that we need to figure out a date to start transferring it over from the computer into the actual Civicgov program which is where Code Enforcement goes to put in complaints or any contact that we may have with anyone, that's where we go to put in information. So the goal is that once we have

that all transferred in to Civicgov, when we click on the contact section it will automatically show all the contact information for the property owner, the property manager, their phone numbers, email address if they give one.

Once we have it all in our system of Civicgov and it is inputted, it is going to take every Code Officer and we have a couple of individuals that are going to help out in putting in that information. Then the goal is for IT to try, not try they said they can give access to the Fire Department and the Police Department. So they will have live access to our, the Code Enforcement's site. Their dispatch can actually sit there and type in the address, the contact information and if they don't have it, they will be able to go to our website. And I am talking more for after hour situations they can go in there and say, OK this is the information for Main Street and they can see live exactly what we would see if they called us at 1:00 in the morning or at midnight or any time after 5:00.

It should work. We have a good feeling. So far it's working great with getting all the information. Obviously it will be fine putting in all the information, time consuming but it'll work. And I think that and the Health Department will also, the goal is for Health, Fire & Police to have access to that information. And we kind of have the target date of May, mid-May to have everything inputted into our Civicgov website, our software. And then once we get inputted there, then IT can go from there and do what they do to give the access to Police, Fire & Health. So that's kind of the gist of what we came up with. Again we got a lot of phone calls, a lot of people, we have people who are actually calling and saying, you know, Nelson I got the mail back, I don't know what happened but we are concerned. And I said, No just put it just to my attention and mail it or drop it off in the drop box and we should get it. But I was just very impressed the first month how we just got so many forms filled out. Again, I have a huge box, there's got to be at least 2,500 letters in there, forms that we now have to put into the system.

Chairman Schmidt

It sounds huge. Thank you. Does anyone, any of the Aldermen have a question they'd like to ask Mr. Ortega? Yes, Madam President?

Alderman Wilshire

Nelson what a great undertaking. I mean this really can help you guys and whoever needs to access that information, that's huge. I mean good for you and good for Community Development Division for taking that step, you know. I am so impressed with the number of respondents because typically when you send something like that out, you get dribs and drabs back but not as many as you seem to have gotten. So good for you, good work.

Mr. Ortega

We did get a huge response and the other thing that I noticed in going through some of the mail and some of the ones that I got online, I noticed that there were quite a few single family homeowners who actually filled out the form. Instead of calling us, they just said, No I'm going to fill this out and send it, because they were concerned. We did let people know that there is a fine there but we let them know there is a fine because the Ordinance calls for it. So we wanted them to know that this is the outcome. Obviously we are not going to pursue that until everything is in the system and we can tell who didn't do it and then give them an opportunity to do it because with all the mailings we have done, there is always still that chance that a few slip through the cracks. But I think we will be able to figure those out as it goes on.

So when we look at the forms we can see that if the form says number of units one and then the person's name is Nelson Ortega and the mailing address for that unit is the same address that Nelson Ortega has, we're like OK this is a single family home, you can tell because they are living in the same one unit. So what we have done with a couple of them, we have called them up and said, you filled out this form and they are like, yes we did and we said just so you know we are going to take your address off the list because you are a single family home owner occupied, you don't have to give us your information. We actually had one lady

say, you know what, why don't you keep just in case, because you never know if I'm not home. It won't help if she's not at home.

Alderman Wilshire

Well it made her feel safe and that's kind of a good thing too, right?

Chairman Schmidt

Yes.

Mr. Ortega

I have been getting calls and we have a list, I keep a running list we probably have about 95 on that list of individuals who have called and said, I own this home I live here, this is not a rental. So we are keeping a list of those people because they don't want to be on the list and they shouldn't have to be if they are not a rental unit. This is meant for landlords and property managers. So we have those lists and this list that we now have to go through later on and pull them out of that pool. We told them we are going to remove them and rightfully so we should, so we will. We added a little work to it but we like how it's working so far, the response.

Alderman Wilshire

It sounds like it is working and it is going to work for you in the future, you know, once you get through the pile of initial responses but good for you.

Mr. Ortega

I think it will work out for Fire and I think it will work out for the PD if they ever need to reach out to somebody, during hours or after hours. But the main thing was really we need to find a way to get ahold of somebody after hours and also let these individuals that don't live in Nashua who have properties. If you don't live within 25 miles and we've had several of those; there was one woman in California, I was a draconian leader for some reason and I shouldn't ... because she felt she didn't have to fill it out. But if you live further than 25 miles from your property you are required to have someone within 25 miles so they can be reached for an emergency. So we had quite a few of those and people, a lot of individuals, homeowners, property owners don't know that that Ordinance is there. So we have to educate them and that's basically what this did, it really educated a lot of property owners who have never had contact with Code Enforcement. Some who didn't even know we were there.

Alderman Wilshire

Follow-up?

Chairman Schmidt

Yes, please.

Alderman Wilshire

How long has that Ordinance been around because I know we – I've been around for a while. I know that 20 years ago it was talked about but I think it had been let go even prior to that. So do you know when the Ordinance was passed?

Mr. Ortega

I've been here 23 years and it's been there since I started. It is just something that no one ever really looked I think because I've been telling people that way back, way back before I even became manager. If you don't live within 25 miles, it was a \$25.00 fine at the time. So it's been there, it's just something I think people, you know, we might not been there before you know back then but somehow it's in there.

Alderman Wilshire

Well kudos to you for making good on it, that's awesome.

Mr. Ortega

We are trying to make it work right.

Chairman Schmidt

Anything else, Alderman Wilshire? No? Anybody have a question they'd like to ask? Yes, Alderman Lopez?

Alderman Lopez

So when we were tackling this back in September or at least I was tackling it with the City Departments. We had talked about the need for a tool because basically that information wasn't available immediately; who was in the building, who was being relocated, and how do we make sure they have the supports. Another extension of that was which City Department was responsible for doing that? Whether it was someone needs to call City Welfare up and have them start making outreach calls or whether that was part of the emergency management team's response; whether that was being managed by the Fire Department because they were the ones declaring occupancy or whether it was done by the Red Cross. So Nelson, can you give me clarification on in an after-hours situation, who takes the lead on making sure all residents are contacted, are placed and are being followed up on?

Mr. Ortega

If it is a fire, my understanding is that whenever the Fire Department shows up, it is their game but whenever there's a fire, the Red Cross is responsible for trying to assist anyone who is being displaced because of a fire. Code Enforcement in the past if something happened in a home that caused a particular, there's nothing that says we can be forced to place them. But when we have a home that a person is displaced by something that was done without the required documents, like if someone changed or did some gas work without the proper permits or without the professionals who are required to do gas work, then they reach out to us. Then we go to the landlord and say, Look if you are ever in this particular situation happens because this installation was done improperly. You know, we would think that you would do what you can to help this tenant out until you can resolve their problem. And that has worked for us but only when it is something, Code Enforcement usually is involved when it is something that might have been the cause of the landlord who did something inappropriately or did illegally.

But if it is a natural occurrence, it is usually the Red Cross gets called to assist and that's ... we are normally notified just to see if we have contact information of this landlord or of this property manager. So that's the usually the extent.

Alderman Lopez

And to Mr. Nelson's point, one of the things that I brought up back in September was that it was being brought to my attention not only with the issue that we had on the building on Main Street but also the one that we had at the Laton House that there are gaps in the protections for tenants and the obligations of landlords to house them if they are displaced. So while there's the assumption by many that in the event that

a unit is uninhabitable the landlord will then provide a place for them to stay until it is habitable again. That's not entirely and in every case true and we don't have a City Ordinance making that the case. Can you confirm that to your knowledge Mr. Nelson?

Mr. Ortega

Whenever we deal with a property that has multiple units, if the unit is displaced within that building, I have always had landlords who do have other units, offer units to tenants when they have other places to go. As far as forcing them to put them up, that's a whole topic that would probably need to be – it would involve Legal and it would involve Division Directors to come up with. Because for me to sit here and answer that particular question on my own is above my pay scale.

Alderman Lopez

Oh I am sorry. I am not trying to ask you to give a specific opinion on that process. I had actually emailed Alderman Schmidt about that as one of the discussion topics that we should talk about as Aldermen because there is that Legislative element that is missing. In terms of the City strategy that's where Director Marchant would have been helpful to have because we sort of need to know how these emergencies are responded to. But there is essentially the potential that a larger unit or a larger multi-unit building could become uninhabitable, due to fire, structural damage, issues with ventilation or whatever. And then we would have nobody responsible for where those residents are placed if that whole unit is uninhabitable. So there is definitely some need for additional work by this Committee. I appreciate the fact that we at least now have a collection of the names. It seems like the next step before planning for disasters of, you know, dozens or so units being taken offline right away is we should probably nail down someone in the City who is responsible for making sure these are done in all cases.

Because the way the Incident Command Structure flows is whichever Department is taking the lead, takes the lead. Unfortunately that means that the tenants don't always know especially if they weren't on scene when the incident happened, whether they are supposed to be following up with the Police, whether they are supposed to follow up with Fire or whether there is a non-profit looking to find them. So there's still some gaps in our Emergency Response System that we should look at because people don't have a lot of disposable income when they are living in lower income housing situations and they can't always go to a motel or hotel and wait until the weekend is over and then try to figure it out on Monday.

Chairman Schmidt

Anything else, Alderman Lopez?

Alderman Lopez

No.

Chairman Schmidt

Alderman Jette, did I see you had your hand up?

Alderman Jette

Yes, please. Thank you. So Mr. Ortega, what is the, you know, I know that there's a law that requires landlords who are not present on the property to register their contact information with I think it's the City Clerk's Office. Is that an Ordinance or a State Law?

Mr. Ortega

That is a State Law for property owners to register their registered agents for service. So someone wants to

know who the registered agent is, whether it is the owner himself or a Nashua registered agent or attorney, then that's what the City Clerk keeps if someone wants to serve papers on that particular property. That's a State Law, when they first issued that law it came with \$1,000.00 fine. And they have since rescinded and maybe 3 or 4 or 5 months after that they forgo the fine, because what we were doing and what we did in Nashua was when Trish was here we combined that form the City Clerk had, we combined it and we put ours on the back so it was a two-sided form. So there would be the front part which was the Registered Agent for the City Clerk to keep records of and then the back part was the emergency contact information which Code Enforcement would be.

So what we were doing back then is the City Clerk's office would document their portion whichever way they did that and then they would interoffice us the forms and then we had the other side and we would put it into our system and vice versa when we got the forms first. So we shared back and forth but that was an RSA which was strictly for the Registered Agents, requirements of Registered Agents for information for proper service.

Alderman Jette

OK and so that Registered Agent wouldn't necessarily be the contact person in case of an emergency?

Mr. Ortega

Right. We even on occasions have called the Registered Agent and though they can't help us what they in turn have said, you know what, we can't help you but you know what, we will send an email and we will call our client. And they didn't have to do but they did and it worked out fine but there are purposes strictly for proper service.

Alderman Jette

And so in addition to that State Law regarding Registered Agents, we have an Ordinance that requires that the owner of the property provide us with contact information or not?

Mr. Ortega

Correct.

Alderman Jette

And what Ordinance is that?

Mr. Ortega

Now I've got to look for it because I don't have my book with me at home. But its part of 182 ... give me a sec. Because we are required to post it, that was part of when Alderman Clemons put an ordinance together for contact information for the tenants. Its 182 31.

Alderman Jette

OK. And so do you have it right there in front of you.

Mr. Ortega

I do not know. It's part of the Emergency Code Enforcement information.

Alderman Jette

Ok so I am looking at it now and this says, "All dwellings which are let or which or in which one or more units are let to another for occupancy shall have posted in a regularly accessible common area written notification concerning the following". So my concern is that even in spite of this Ordinance being in affect for some period of time, apparently people didn't know about this or it wasn't being kept up with. So I am thinking you know, do you need anything from us, any additional Legislation to help you identify who these people are, who these units are and anything additional to require them to ... looking at this Ordinance quickly it talks about posting it in a readily accessible place. I am assuming that's for tenants and emergency personnel to be able to contact them. But your office itself is there any requirement that they register that information with your office, for example?

Mr. Ortega

That is what we just did with the mailing, that information; they need to either post the information in a public placement where the tenants can see it and to provide that tenant at the time that they sign a lease, the information so they can always be in contact with them. It breaks that down further down into the Ordinance as one method. But for us, with this exercise that we just did and put together, until we are really finished with it and have it in place, I can't think of anything at the moment, excluding anything that Alderman Lopez is talking about. But just specifically the contact information, until we actually get everything up and running totally sometime in May and see how it goes and we have access for the Fire and Police, I have to say at the moment it looks like we are, because we are just making ordinances that were in there. A lot of individuals didn't know that because they never come in contact with them. And when you do reach out to people who have never dealt with Code they are surprised when we tell them, Oh you need to have a property manager within 25 miles or you need to have your information posted with us.

So usually when we do it that way, people do respond and they get it to us. But we have over 18,000 rental units in the City. And we don't come in contact with every single one of them. You have a lot of responsible homeowners out there also so that's when we don't reach out to them because we've never had a reason to. Now with this mailing, we have not only reached out to the ones that we deal with on a regular basis, but all the ones that we've never come in contact with. And I think that's where we are seeing a lot of responses from people including the ones that we've been in contact with. So at the moment, I'd have to say, I'd just have to wait to see how things end up when we finish this complete exercise.

Alderman Jette

My concern is I know you have limited amount of resources, a limited amount of people and since I've become an Alderman I have often heard the response that you are a complaint driven agency. You don't have the time or the resources or the personnel to go finding things. You depend upon people complaining about violations before it is called to your attention and you can follow through and enforce the law. On this issue, I am trying to see whether or not there is something that would alleviate your burden by making or putting it on to the property owner. If the property owner is renting out property that somehow they be alerted, that they be informed that they have a duty to provide this information. Right now I suspect that there are a lot of property owners who become a landlord without really realizing that they have this additional obligation. And I am trying to think of whether there is some way to make that happen so that when they become a landlord that they gain the information that they have certain duties; registering with the City Clerk and registering with your office and maybe even the Fire Department or the Police Department so that their contact information is available to us without our having to learn about their not having done this by accident, you know, a fire or some other type of emergency occurring.

Mr. Ortega

No that makes sense and that's come up throughout the years, that has come up as a topic every now and then about what is a good way to let people who, you know, these landlords who all of a sudden are landlords know that they have to do this, they should do this and that. Again it is coming out with some sort

of educational tool to help these individuals whether it is during the time that they purchase a multi-family building. We also have landlords who we found that they will sell their building and never inform the new owners that, Oh by the way, Code Enforcement exists. That's always come up throughout my years, that has come up every so many times a year that has come up and we are like, we are not, we always used to say that we are not a ... we don't have the ability to be a proactive agency but we do have those opportunities here and there where we if we are out somewhere we are just not going to go by and ignore three of the houses that we've seen. This COVID times has been one of the times that Code Enforcement has been able to do more driving around because we are not making contact with individuals and so we get to drive and see more. But it is too common that we are more reactive than we are proactive because of the number of complaints that we get in on a regular basis.

Chairman Schmidt

Is that it Alderman Jette?

Alderman Jette

Yes, thank you very much.

Chairman Schmidt

Alderman Wilshire had a question next.

Alderman Wilshire

Thank you, not so much a question as an experience. 20 years ago when I first got on the Board we had a lot of drug issues, a lot of drug issues, you know, areas that were dense and a lot of people living there. We had talked about fining landlords who kept renting to people who were dealing drugs in their units. I mean we had a couple of really high use homes and trying to contact landlords was near impossible. I mean we had one on Mason Street that for years and years, wow. And other areas too but we had talked about trying to find landlords who were absent and people kept getting arrested in their apartments for drug dealing. I know we talked about this way back then. I think that kind of thing has maybe smoothed out a little bit but we did have the issue of not being able to contact landlords when their tenants kept getting arrested. So that's it.

Chairman Schmidt

Thank you very much. Alderman Lopez had another question.

Alderman Lopez

I'm just curious, does Code Enforcement, particularly your guys that are out driving around and checking things out. So you guys coordinate with the Assessing Department because I feel like they are also out and about and doing things?

Mr. Ortega

When Code Enforcement goes out we work closely with Fire, Police, Health Department. Assessing, if one of the Code Officers runs into a problem with a property what they have done and I should say we work with Assessing on occasion because the Code Officers will reach out to Assessing because they have access to mortgages and deeds and so forth. So Assessing has been good when they call them or reach out to them, they will research a property for us and they will actually find out who the mortgage holder is and then we will reach out to them if a property needs to be shut down. Like right now we have a property 61 Arlington, the person abandoned the property and they moved out west somewhere. So there's nothing much we can do about that but what the Code Officer in charge of that case, stopped in to Assessing who in turn researched the record and found who the mortgage holder is who then we in turn reached out to the mortgage holder

and say, Hey this property has been abandoned, what are we going to do about it. And that is usually how we handle, we work closely with Accessing when it comes to records that we can't find.

Alderman Lopez

So I underestimated you for a second there when you actually named that address, I was like "oh God" and then you were like "But they abandoned it" and I was like, "Oh OK". I was just thinking more in terms of like maybe giving them a refresher course in like these are things we look for when we drive around just in case they happen to see something like you know a window shutter hanging off or something like that. I mean you never know they are out there too. They are eyes on the ground.

Mr. Ortega

Oh Assessing when it comes to that, Assessors we always are getting emails from them saying we were here, and we noticed that there's something that shouldn't be there right now or wasn't there the last time. Or if they have something that they don't see a permit for themselves then they will reach out to Building or Code Enforcement. So we do have that relationship with them also. They will go into a unit, into a property and though their job is to assess and determine if they see something that is just too, they just can't let it sit there, they will notify us and say, Hey this appears to be or this could be a hoarding situation or this could be – there's a lot of damage in this unit. Because they are there to evaluate it and what they see determines the value. So they have – those are things that the individual assessors when they go out themselves, we will get an email from them here and there.

Alderman Lopez

I would imagine that you probably also do a little bit of cross training with Police or Fire because it's also more, so I think what I was kind of getting at was it is not just you and your team that are out looking at stuff. There's a lot of City attention to this issue. But the enforcement part of it is complaint driven so you are not exactly looking for trouble if you see places where people are going to need guidance then you will provide it. For inspections usually there has to be something initiating that inspection.

Mr. Ortega

Yes especially if it's internal in someone's unit. In order to inspect someone's unit we need a complaint to be made for within that unit and then we need permission from that tenant and/or the landlord or both to inspect it.

Alderman Lopez

I can say firsthand, I am surprised at what people have gotten used to in, you know, over the many years of doing outreach work or other community based things. I will find people with buckets in their living room and say, Oh yeah, that's where the leak is. Or they will have electrical work that doesn't work and they will have all their stuff, like Christmas Tree on one side and you've got to look at that and be like, what are you doing man? If half of your electricity in your living room you should not have extension cords running on the other one. So people get used to that kind of stuff and I think everybody benefits from having that stuff looked at and made sure that it is still in good operational condition.

Hopefully right now one of the tiny side effects of the COVID-19 outbreak is people are thinking a little bit more about their airflow and their air filters. Because that's another thing too, is some people have really nasty clogged airflow and they are breathing that in all the time. So I appreciate the work that you are doing. I think that the database for keeping track of what tenants are where and hopefully keeping that somewhat up to date is definitely going to be helpful. I just think that there's probably some departmental work to do in terms of deciding internally how they are going to respond to crisis and that might come to the Aldermen in terms of budgeting where we might have to say like we are allowing for an after-hours budget. It might just be that the Mayor has to figure out what order that goes in.

But I think ultimately what I would like to see and I think a lot of constituents would agree that in a crisis people having a clear path of where to go for information and then direction. Even if it's just an automated voicemail that says, "If you're living blah blah blah and you've been dislocated, contact your landlord at blah, blah, blah" or "We are moving you to whatever". So there's a lot of solutions that can be had, I just think this is definitely an area we should be looking at before something worse happens.

Chairman Schmidt

Thank you Alderman Lopez. Anyone else have a question that they'd like ... yes Alderman Jette.

Alderman Jette

So a lot of people probably won't like me saying this but I think that what a lot of other cities do is they require that this kind of information be registered with the City, you know, some central information gathering place. Whether it is Code Enforcement or the City Clerk's Office or the Building Department or Police, Fire, whatever. And one of the objections I kind of heard a little hint of an objection, this stuff costs money, you know, the mere fact that someone has to assemble this information, if we require this to enforce it. And what a lot of other cities, I am thinking, I know Manchester in particular and I think Concord as well, they require landlords to register and to pay a fee, an annual fee to the City which I think Manchester does it. I think the fee is substantial enough that it actually raises revenue. I am not sure about Concord's fee. But the idea that I don't think it is unreasonable for us to consider maintaining this type of information for the protection of our citizens, the tenants. And I think it's also a benefit to the landlords that if something happens that they know that they will be notified so that they can take action to protect their property and to lessen whatever damage might occur.

Chairman Schmidt

If I might, I had talked to Heidi Peek about this, the Health Officer. I talked to her about this when we were discussing a problem with bed bugs. She said this was attempted previously in the City and it was not accepted by the Administration that it was a bad idea. Maybe that's something that we need to talk about again. Maybe that's something that we should discuss. Because I think you are right. I think even a small fee, just enough so that we know they are there and we have an option to get to them and they know we know they are there. So I think we should talk about that and thank you for bringing it up Alderman Jette. Did you have a follow up?

Alderman Jette

No. I guess my only follow up is that we, when I say "we" I guess that means me, or I should explore this with the City Administration about possibly bringing forth some Legislation to start the discussion and see where it goes.

Chairman Schmidt

Yes, I think that's a great idea. Yes, Mr. Ortega.

Mr. Ortega

I wanted to clarify something about that fee. I don't believe Concord does have that in place. I knew the Code Administrator really well and I don't think he's no longer there right now. But I don't think Concord does. The fee that Manchester has comes with an inspection of every rental unit when they are going to rent a unit. That's a study that was done years ago and found it could not be done with the number of Code Officers we had compared to the rental units that there were. There was a big study done years ago when Laura used to be the manager and all the research between Assessing and her and communication between Manchester and how they function. They have a very large and different code set up in Manchester than we do.

So being able to collect a fee and do an inspection, its part of a certification that they have and the City of Nashua would not have been able to do that with 3 code officers. It was determined back then that for the size of the rental units that we had to try and do a fee which came with an inspection, you know, they don't just collect the fee every year they also inspect the units. And every time a unit becomes vacant, then they are supposed to notify their code officers and the code officers will go back out and inspect the unit and charge a fee. We couldn't do that because at the time it was determined that the City would need about 10 code officers just to be able to do that type of a program. So you can imagine today. But that's what Manchester does, that's how they collect that fee.

Chairman Schmidt

Thank you.

Alderman Jette

OK.

Chairman Schmidt

Anyone else? No? Alderman Jette, I'd just like to tell you that Alderman Cleaver arrived at 7:13, if you would like to note that on our Agenda. I do have just a couple of questions. I was wondering what was the percentage you think that you've received back from these requests.

Mr. Ortega

Are we talking about the notice that went out?

Chairman Schmidt

Yes, how many, what was the percentage of returns?

Mr. Ortega

I think just based on what I am seeing related to the electronic ones and the mail in ones, I've got to have over 75%.

Chairman Schmidt

That's stupendous.

Mr. Ortega

Because of each one of those, there are some landlords, they have to do it for every property that they have so I have some that have – one envelope with 20 forms in it; another envelope with 30 forms with it. I think I would feel comfortable to say with just what I've seen and not having been at my office to look at my desk, my Code Officer keeps saying we put your mail on your desk and I know what that means. So there's got to be at least 75% response.

Chairman Schmidt

Terrific, thank you. Also, how about the accessory dwelling units are those considered rentals and would they be included in this?

Mr. Ortega

When you say “accessory dwelling units”?

Chairman Schmidt

The ADU's, you know, somebody has a house, they put an ADU on the side for grandma or for rental or something like that.

Mr. Ortega

What used to be called an in-law apartment; they don't call them in-law apartments anymore because they changed that. If Sarah were here she would be able to explain that part a little better because she knows that one. Her plan is still to be around here, depending on how long this goes. But she's just off at another meeting. If it's a living unit and it is rented, yes it counts. If you collect money for it, then it is a rental unit.

Chairman Schmidt

I like that that works. So I think maybe we should meet again next month perhaps Director Marchant can be with us and answer those other tricky questions that we don't have. And perhaps we'd also like to talk to Director Kates to just ask a couple of questions about what happens if it's not the Fire Department and the Red Cross, of there's an emergency; what the process is and who would be calling you. Would they have access to the information? So perhaps we can do that next time. Yes, Alderman Lopez.

Alderman Lopez

Can I suggest that we ask the Red Cross to attend as well because a lot of this relies on them so it would be A) a good time for them to talk about the services they do; need for volunteers and all that. And then B) they are a part of the process.

Chairman Schmidt

Sounds like a good idea to me. Any other ideas? Alderman Jette you look like you wanted to say something.

Alderman Jette

You're such a mind reader. While we are inviting people I am wondering if the, I know there's a landlord association in the City.

Mr. Ortega

No, they disbanded. There is no longer a Nashua Landlord Association.

Alderman Jette

There's no longer a Landlord Association?

Mr. Ortega

Correct (inaudible) was the last President of the Association.

Alderman Jette

OK so I am just wondering if there is someone from the landlord community that would like to give us some insight about their point of view on – I am thinking that providing contact information would be something that

they would welcome that they would like to be contacted if something happens. But I don't really know so I am just wondering whether we should seek out their point of view while we are considering these things.

Chairman Schmidt

Let's think about it. Alderman Lopez?

Alderman Lopez

I was just going to say I can ask the landlord of 243 since she has recent experience and she probably has some pretty good insights as to the challenge that she encountered; but it is obviously a sensitive topic for any landlord to face. So if you want I try to get a landlord of some kind of multi-unit buildings.

Chairman Schmidt

I think that would be beneficial.

Alderman Jette

I know some attorneys who represent landlords and I am wondering if either they could provide a contact. I'll be happy to follow up there as well.

Chairman Schmidt

That'd be helpful.

Mr. Ortega

Attorney Mayer used to be the attorney for the Landlord Association.

Alderman Wilshire

Oh Fred Mayer.

Alderman Jette

Yes, yes. I was thinking of him as a matter of fact.

Mr. Ortega

He's our go to.

Alderman Wilshire

He's still around huh? Fred Mayer?

Mr. Ortega

As far as I know he is.

Alderman Wilshire

Nice.

Chairman Schmidt

That would be great.

Alderman Lopez

His last name is Mayer but he's not the Mayor.

Chairman Schmidt

Anything else for Mr. Ortega before we let him go? Thank you so much Sir for this and for doing the work you are doing to bring this together for us. You know we didn't even know we needed until we needed it and now it's going to be there for us. So we are very, very grateful. Think about what Alderman Jette suggested. If there is something you feel that you need on the books, please let us know. That is more or less what we are there for. And we will support you in anything you feel you desperately need to turn into law. Thank you for your time tonight and for your 23 years of service to the City and the knowledge base that you have for us. It is very much appreciated.

Mr. Ortega

I am happy to be here and it is always good to be able to explain to individuals what is going on and how things are being done so this is a good platform to fill you guys in.

Chairman Schmidt

Could I ask a favor? The documents that you send out, would you send an electronic copy to Donna for us so that we have an idea? If we ever get a call from one of the landlords in our Ward that says "What's this all about" we will have more than just a cursory knowledge of it. That would be really terrific. Thank you very much.

Mr. Ortega

Yeah I can do that, because a lot of people are calling the Mayor's and saying, "What is this all about". So we have to explain it to them. So that will be fine, I can send Donna that.

Chairman Schmidt

That would be super, thank you so much.

Mr. Ortega

Well thank you very much for having me and anytime just give me a holler.

Chairman Schmidt

Thank you. Good night. Ok. So we use this time for public comment which I don't see anyone is here. It looks like it is just us.

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN

Alderman Wilshire

That was a great meeting. I think what they are doing is going to be very helpful for the City, for Fire and

whoever needs it. I think it's really long overdue. It's just not one of those things that comes up but now that's it is here, I think it is a really valuable process to go through. So I appreciate what Community Development has been doing.

Chairman Schmidt

Thank you. Anyone else? Yes Alderman Lopez?

Alderman Lopez

Some good news; in working with Director Bagley we have managed to get the high fives to meet. So the Point in Time Count is on January 29th and we did get the State to approve a vaccination for homeless people or a vaccination clinic for homeless, so we are working out a location downtown. The logistics of having Public Health put that on, it should be really helpful in not only making sure that we have transitional elements within our community that are interacting with many different types of housing situations, get access to preventative health care. But we can start counting the real number of homeless people and understanding the true scope of the problem in Nashua. I just wanted to give Director Bagley a huge thumbs up for being able to negotiate that with the State on such short notice. Now all we've got to do is make it work.

Chairman Schmidt

We've got to make a lot of things work and we can do it. I wanted to thank you Alderman Lopez if it wasn't for you and the suggestion that we get this started, I don't think it would have happened. This data base is going to make a huge difference. In one way it will help all the landlords know that we are here and if they need us we have the information they need. I'm sorry, anybody else have something they would like to – yes welcome Alderman Cleaver.

Alderman Cleaver

Thank you and I apologize for being late; I had a Ward 8 meeting with the Mayor. So I left it early so I tried to split my time, I'm sorry. But I did come across one piece of information. The Governor has announced that beginning January 22nd anybody 65 and over can sign up for their shot for their vaccine. How long it is going to take to fulfill that list and complete that I don't know. But beginning on the 22nd at least we will have some idea.

Chairman Schmidt

Excellent, that's great news. Yes, Alderman Klee?

Alderman Klee

Thank you, Chairwoman. I want to add to what Alderman Cleaver just said. I actually was on the website and sending it out to my constituents. There's also a check list where you can answer questions and it tells you what category you fall into. If you fall into 1B just what Alderman Cleaver said, it does say that starting January 22nd you can register and that they would begin doing the vaccines on or about January 26th. So you don't get 20 seconds, it's going to take a little while to do that. I am sure they will be able to schedule you or you are supposed to be able to schedule that. But the phased checklist really is a good thing. And if you got to the NH.GOV/COVID you will be able to see vaccine checklists, it's off on the right hand side. They call it literally the Phased Checklist and you just do that and answer a few questions. I did it to find out what category I'd be in. I did it to find out what category my husband would be in. And the documentation that shows all the phases still says, "Greater than or equal to 75" but as Alderman Cleaver mentioned, he did change it to 65 which it was questioned whether or not he was going to do that. So the Phased Checklist shows that but the little three column phases still says "75 or over" so just so people aren't confused, it is 65 and above. Thank you.

Chairman Schmidt

Excellent, thank you very much. Alderman Jette did you have something you'd like to say?

Alderman Jette

No, no Ma'am. Thank you.

Chairman Schmidt

All set? You're welcome. I just wanted to say, anybody who is as confused as I am about when the vaccine is really going to happen, if they have any questions when or what category they are in, what they have to have as far as proof, please call 211. There are people manning those phone numbers to ensure that everybody has the right information. They are there for you as far as I know 24/7. Anything else?

POSSIBLE NON-PUBLIC SESSION - None

ADJOURNMENT

MOTION BY ALDERMAN JETTE TO ADJOURN BY ROLL CALL

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Schmidt, Alderman Jette, Alderman Cleaver	3
Nay: Alderman Lopez	1

MOTION CARRIED

The meeting was declared closed at 8:12 p.m.

Ernest Jette
Committee Clerk