

SUBSTANDARD LIVING CONDITIONS SPECIAL COMMITTEE

MAY 13, 2021

A meeting of the Budget Review Committee was held Thursday, May 13, 2021, at 7:03 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: 815 1240 7430 and Passcode: 299381

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 Jette 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 Elizabeth Lu

Members not in Attendance: Alderman Skip Cleaver

ROLL CALL

Chairman Schmidt

I am here and alone in the room.

Alderman Jette

Alderman Ernest Jette is here alone and I can hear the proceedings. Alderman Thomas Lopez?

Chairman Schmidt

I haven't heard from him; he doesn't appear to be joining us tonight.

Alderwoman Elizabeth Lu

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

Alderman Jette

And Alderman Skip Cleaver?

Chairman Schmidt

I do not believe he will be joining us tonight.

Alderman Jette

So we have 3 in attendance and 2 absences.

DISCUSSION

- Discussion on going forward

Chairman Schmidt

Thanks very much. I was really hoping that Alderman Lopez was going to be here because he had an idea that we should actually provide some information to the people of Nashua who are looking for rent assistance. What he was looking at – I'm sorry? Oh I just heard something else. He was looking at something that was statewide and I don't think that's anything we could interfere with, for information about assistance with your housing. You can go to GOFERR, G-O-F-E-R-R, Goferr.nh.gov and under there you can also go to the Southern New Hampshire Services, reaching them at 603 668 8010. If you don't have access to a computer, there's also the Library which is open and making their computers available at 10:00, 12:00, 2:00 and 4:00, you get 90 minutes on it and you do have to schedule ahead of time. So you just give them a call.

Aside from that what I was thinking was, first I'd like to ask if anyone has any ideas of what we should discuss tonight or in the future here? Alderwoman Lu?

Alderwoman Lu

I don't have any thoughts and that's why I was smiling because I felt a little sheepish about it. This Substandard Living Conditions seems to subside or is not on the forefront in our City at this time so I don't have any suggestions of anything that needs to be done at this time.

Chairman Schmidt

Alderman Jette?

Alderman Jette

Thank you, Madam Chairman. Alderwoman Lu brings up a good point, you know, something that I've thought about. When I was assigned to this Committee, I looked at the history of the Committee and if I am correct, the Committee was originally established because there were – it was established as an ad hoc Committee, not a standing Committee. And the reason for its establishment was there was a complex, I don't know if that's the right word but facility whatever in your Ward that had gained some notoriety I think on national television. So the Aldermen at the time felt it necessary or advisable to look into that situation. So they formed this ad hoc Committee and I think they were looking at, you know, when we talk about Substandard Housing they were particularly looking at so-called "rooming houses" that provided shelter to people or living quarters to people in basically just one room.

There were some abuses that were alleged, probably borne out to be true in fact, and so this Committee was formed to look into those; investigate whether or not those allegations were true and what could be done about it. I think since then, the City has pretty much got a pretty good handle on those facilities and the Code Enforcement people have done a pretty good job about bringing them into compliance with the laws. So it's probably more appropriate when we have a full committee to discuss this, but I am wondering under the circumstances whether or not the reason for this ad hoc committee having been created no longer exists. I know that Alderman, to his credit, has identified issues that he felt that we should address. But I can't remember specifically the Ordinance provision that provides for the creation of our committee, but when I last looked at it, I think we are kind of straining beyond the purpose of the committee and I am wondering whether or not the committee should continue to exist.

A lot of the issues that Alderman Lopez had identified are probably within the realm of one of the standing committees. I can't remember which one right now but I knew at one time. So I think when we have a full committee, when Alderman Lopez and Alderman Cleaver can join us ...

Alderman Lopez

I am here.

Alderman Jette

Oh welcome.

Chairman Schmidt

Could you make a note that he joined us at 7:08?

Alderman Jette

Yes let the record show that Alderman Lopez has arrived at 7:08. So I don't how much you've heard about what I've said Alderman Lopez.

Alderman Lopez

I hear it and I understand where it comes from. I would say that I wasn't just one of the original members of the Substandard Living Conditions Committee. I was somebody that the organizing members sought out prior to my position on the Board of Aldermen because of my perspective on it and my connections with the community. I think I would suggest that it is not fair to blame the two facilities that were identified as specifically problematic. I will say that is fair that one of them made an extremely poor business condition in having a documentary crew come in and try to do a dramatic rescue kind of scenario and expose a lot more than even they appeared to know that was going on.

But I would suggest that the City's actual investment in that was because the City was overly reliant on those facilities. The City was utilizing them as an alternative to emergency housing placement as sort of a cost cutting measure. I would not argue that we are doing anything differently now. I would say we probably have reduced the Department's budget that was responsible for that. But I think that played a major factor in the City's role and complicity in that was not just that it was happening in Nashua but that Nashua's actively paying those facilities to care for people while placing them into conditions that were potentially human rights violations and these are a very vulnerable population.

I don't want any credit for discovering the obvious. A lot of the conditions that contributed to that situation and the public relations that it resulted in are still very much present today if not more prolific in different ways. Pointing out, you know, on this Committee that we have a landlord that local non-profits are refusing to give vouchers to during a housing crisis because they have a habit of taking that money and allegedly using to bring people in and obtain their security deposits but then exposing them to bed bugs and then not communicating to them that those bedbugs were a known issues and there not being anybody to advocate for it. That was something our Committee did identify and to be blunt, like a year later, not much progress was made. The front of that building fell off and that created another public relations issue.

One of the facilities that wasn't part of the more overt like documentation, but one of the facilities we had identified previously as problematic in terms of the amount of resources that it had available to help the population that it was serving, had a fire alarm go off and lost occupancy of the entire building because of the flooding and the resulting damage. So I get what Alderman Jette is saying, I would just caution that regardless of where we do it, as Aldermen, we need to be looking at these proactively rather than trying to do performative measures and say, well we created a special Committee to look into this because we were deeply concerned at the things that have come to light when they are known. There are things that we contribute to and participate to as a City in our governance decisions and our fiscal policy. And we, more often than not, weigh with our budgetary decisions on the side of the people who can advocate for themselves, not the people who are transitional, we can't identify what their fixed address is, we can't identify whose constituents they are, who they are voting for, what their affiliation is. We can hear more easily businesses than we can people who are afraid of their housing because they are bringing concerns forward.

I think the credit we would want to give is to the people who did step forward when we gave them that opportunity and said, who has had concerns with this place or who has had experiences with brown water you know constantly showing up in their tubs or leaky roofs or heat that isn't being fixed. That takes guts that takes courage and we had residents come forward. Recently we've a little bit of a less regular meeting schedule. So I don't know that it's as easy for people to be told that we will be having the Substandard Living Conditions Committee Meeting this month so you can come and talk about your concerns there and maybe we can try to figure out some solutions and I don't know that we've really had the same kind of oversight, especially following COVID-19 where most of our community interaction and public constituency has had to be remote over telecommunication with preference to people who have internet and computers and that kind of time.

I would say that we are probably in some ways straying outside the original purpose of this Committee in so far as that Committee was trying to address the tip of the iceberg and not necessarily the structural issues that contributed to it. When I took over the Committee and chaired it myself, I was attempting to enhance the community departments and the relationships that we had to address substandard living conditions so that we don't get to that point again. But I see Alderman Jette's point very clearly that if we are going to continue addressing those conditions, we need to, as a Committee, look at exactly what we are looking at and what we are trying to accomplish and having a special committee with the onus of just solving that one problem is going to forever haunt us because we are not a Committee that is meeting because we are committed to making sure that there is equitable housing citywide regardless of ethnicity, regardless of gender identity, regardless of socioeconomic status. If our Committee's stated purpose isn't, everybody has the right to have a decent place to live and people who are paying to occupy those places and to rent are afforded certain rights that in Nashua we are committed to protect. If that's not our mission, then that's not what we are going to do.

So I think whether it continues as Substandard Living Conditions Committee or not, the issues that are underlying haven't gone away and won't go away, ever, unless we really take a systems based approach to it and create a mechanism for accountability and reporting that constituents can come forward and say, I've had these experiences, this is a pattern and our City Departments can say, we have experience and resources with that, let's work with landlords. Like I don't think that's what this Committee really is. I think we probably have to have a discussion about creating something different and it would probably be beneficial in a lot of different ways.

Alderman Jette

So if I could respond, Madam Chairman. So I think maybe what we ought to do is revisit the purpose of the Committee and maybe redefine its purpose and maybe propose Legislation to make a Committee perhaps a standing Committee to, I don't know, I'm not sure exactly what we would call it, you know, Equitable Housing Committee or some other name. I think we have kind of strayed from the original purpose of this ad hoc Committee but I think Alderman Lopez correctly points out that there are problems regarding housing in the City that we certainly don't want to pretend that we have solved anything or that they have gone away and that those other problems don't exist. But maybe we need a different focus and make it a standing committee instead of what is currently an ad hoc committee.

Chairman Schmidt

If I may, I know that this was originally done to deal with a specific problem and as, I think it was called hotel hell that showed my neighbors down the street treating their folks really badly, really badly all the way around; bedbugs. It was disgusting and the original intent was to deal with substandard housing and to create a new law that would deal with that. And I know that they did come up with something. As far as I remember there was an opportunity to fine landlords that had been found to be not following the law and making sure that it was safe and clean? In talking with Heidi Peek, she tells me that they prefer to stay in good stead with landlords and not to punish them but to ask them to behave better. And I don't know if it is working, I really don't. I haven't heard anything from anybody, no one has gone to me about wanting to come before our Committee and I think that probably says we are not going to hear from the people that need to tell us anything.

We also know that Code Enforcement now has a data base of all landlords, that helps somewhat. I think the goal, their intent as stated to landlords is to make sure that they can be reached in case of any problems. But I also know that there are other issues that landlords had to be contacted and were not coming forward. So this is good in both ways such as that. But I don't think there's any more Legislation that can come out of Substandard Housing Special Committee. I honestly can't see what we can put into law in the City to make sure that all of our rentals are clean and safe, dry without mold. We have the laws in place, we simply have to have someone come forward to tell us that they are not being followed.

As far as this Committee, if we are not having anybody come forward to tell us that they are living in substandard housing and need help, I am not sure we can do anything. So maybe we do need a different direction. Maybe we do need to look at all of the rental housing in the City; maybe we need to, well we've already talked to the Departments to find out what they would like and we haven't had any of them tell us they need more from us. So I am stuck, I am stuck in that position of not knowing where to take this. But I do know that we are not getting anywhere just in us talking to each other.

Alderman Lopez

I have some context to add.

Chairman Schmidt

Please.

Alderman Lopez

The Legislation that were looking at or that we created was basically because the Code Enforcement Department didn't have the ability to force or compel action on issues that were found until the landlord was brought to court and more often than not they would get repeated citations over and over again up until the week of the court date and then the issues would be resolved, meaning that the City of Nashua couldn't continue the case. So we created a mechanism where an escalated level of warnings could potentially create shorter term impact on the landlords and then the incentive to then to actually take action quickly. So that was the Legislation that passed. Creating a list of landlord period for use in emergency such as fire and structural damage or anything that dislocates people, that's not exactly an accomplishment, that's a minimum standard is just straight up knowing who we have.

But there are several areas where our City Departments as budget and individuals with oversight over fiscal policy, we should be looking at making sure that the City staff have the ability to track and report some types of housing challenges that might impact citizen's quality of life, the most obvious being the bedbug issue. But parasites in general, there's no way for a person who is purchasing or renting a property to find out any history that has happened to that and there's no obligation on the part of the landlord to disclose things like, yeah there were bedbugs that were treated here a few weeks ago, months ago whatever and if it comes in then you're not necessarily to blame. So there's clear and actionable items. I think a lot of our work got disrupted when we started to meet less regularly and when COVID-19 took over the priorities of the public health. But this isn't a one way street, we are not doing a charity action for our residents.

Our Departments – Public Health Department, our Welfare Department provides rent assistance, provides utility assistance, places people in housing. Due to our region shortage of affordable housing or housing stock, these are things we are supposed to do based on the New Hampshire Constitution. And there's a lot of ways where we may be falling short of that. And right now we can say, well there's no resources or there's shortcomings of laws, but if we choose to not even look at the problems, then we are not going to solve them. So again, I would stress that this should be looked at in terms of what is the Aldermen's role? The context that I wanted to bring in originally, I got a little bit off topic there is that the Greater Nashua Continuum of Care addresses homelessness, people who are displaced, people who are trying to progress forward into sustainable housing. That is organized around HUD Funding. It is HUD's strategy of saying, here's a finite amount of money, it is about 80% of what a community needs. So we are going to encourage you all to get together and make decisions over which one of you is not going to get the funding. So basically they have the non-profits competing for grants while also making decisions about which one even get funded.

That's a system of diminishing returns and it is not uniquely beneficial to Nashua. The non-profit organizations in Nashua carry a huge amount of the work for our City. We save the taxpayers an enormous amount of money by having multiple agencies that are versatile and able to address those needs and work collaboratively together on issues that we would have to address if we didn't have those. So the Continuum of Care does that but those are non-profits, they all have individual missions, they all have individual priorities, sometimes competing priorities, very often complimentary priorities. But the work that is done is more in coordinating them. For an Aldermanic Committee, we shouldn't just be looking at the Legislative Action we can be doing, we should also be examining fiscal priorities and making sure that our individual departments really are taking their mandates to the level that they should be rather than being limited by their resources.

If the Code Enforcement Office has been say for 15 plus years that they don't have the manpower to do inspections based on need, that they have inspections based on complaint; there is a point where as Aldermen we are going to have to figure out how to address that issue so that it is not just a matter of if somebody calls and complains then we can inspect something, but until then we can't do a thing about it. That's not keeping buildings safe and that's not meeting the full mandate of that Department. If we have a public health department whose role, particularly with welfare guidelines is to make sure that we are staying true to the spirit of the constitutional requirement, the New Hampshire Constitutional Requirement of our City, we need to make sure that that is taking place. Because a lot of Legislation that we haven't made is being instead managed by Departments. And the Departments may or may not always be in complete alignment

with what our City's needs are.

Chairman Schmidt

Right now the Health Department will not enter without notifying. They will not do that. And I believe that that's probably the law that you cannot enter an apartment without notifying the landlord.

Alderman Lopez

Is that related to what I was saying?

Chairman Schmidt

I'm sorry?

Alderman Lopez

Is that in reference to what ... I was talking about Code Enforcement, Building Enforcement not the Health Department.

Chairman Schmidt

Well the Health Department also does all of the tours around to the various places once they hear a complaint. We were going to have Heidi Peek come and talk to us about this.

Alderman Lopez

So environmental health.

Chairman Schmidt

Yes.

Alderman Lopez

And when I talk about the Health Department I am usually referring to the Welfare Assistance Department and how we are using taxpayer funding to maybe subsidize a landlord who is providing substandard conditions, things that could trace back to us in terms of liability. Because we have no ability to actually do an onsite inspection, evaluation or anything like that and there's no real requirement to. If somebody is taking taxpayer funds to continue their rent or to forestall eviction, I feel like we kind of should occasionally vet that and make sure that we are not giving to the same organizations that we are going to claim that we are outraged by. Because when we had that hotel nightmare scenario, the two businesses we were talking about, one of them was not the hotel. That hotel was the one that City Welfare was giving a lot of vouchers to and has resumed doing. The other one was a boarding house where there was another partnership in place.

But we can't act like we are not to blame when these circumstances happen when we are enabling that system by giving them a constant cash flow and basically recommending people who are in a desperate situation, you can move here, it'll save the taxpayers money and it is affordable and we can put you up for a couple of weeks and then after that you need to figure it yourself out and then be surprised when a couple months down the road they haven't actually gotten out of that situation that we put them in. Because when you put someone into a boarding house, you are occupying their income. You may give them enough time to get their income stabilized or find additional earned income but if there isn't any kind of follow up and then there isn't from the City, there may be from non-profits, but there's no making sure that that person gets to a point of sustainable housing. They are still where we left them because we put them in a situation where they had no choices, it was better than none. But then they are struggling to even maintain the one that we

put them in.

Chairman Schmidt

So your solution?

Alderman Lopez

I think there's multiple directions we should be looking at as a City and again, not necessarily on this Committee. But I think there's area where the City support is limited by the resources that it has available and sometimes it is limited by the authority that is has available too.

Chairman Schmidt

Yes, Alderman Jette?

Alderman Jette

Thank you, Madam Chairman. So something that I have brought up in the past, I can't remember who was appearing before us, I think it was Code Enforcement people, it may have been Director Marchant, I can't remember for sure. But I brought up the idea, when I became an Alderman I was surprised to find out that this City is a complaint driven operation that almost none of our City Departments proactively and forgive me if there's any Department, I don't mean to offend anyone or say anything that is not true. But we've heard it several times that Code Enforcement for example in particular, I know that that they said for sure and the Building Department as well, that they are a complaint driven, and the Police Department is to some degree also, they welcome complaints but they don't go out and really do anything proactively to enforce the laws.

And it surprised me to find out that, for example, not only are our rental properties not regularly inspected, it is only when someone complains about something that Code Enforcement comes out to check it out. It is also true of our hotels. Apparently, our hotels are not regularly inspected; it is only if somebody has a complaint. So somebody coming in from out of town and staying in one of our hotels, they have no assurance that the hotel complies with our local laws, not that they don't but there's no assurance that they do other than if someone files a complaint or finds a reason to complain do we do anything. I think it was said to us that the reason for us is that we can't afford – we don't have the staff to do those inspections. We can't afford to do it. So one solution to that is to require every landlord, every rental property, you know, long-term rentals like apartments, short-term rentals like hotels that they all receive some kind of a license or a permit from the City and whatever fee would be determined that would be appropriate. That would help fund a sufficient staff to do these inspections.

I think the City of Manchester requires, I think they impose a fee on every business, an annual fee on every business in Manchester they pay I don't know what the amount is. But that helps Manchester fund this type of program. And when I brought it up, the people we were talking to, I think it was from Code Enforcement but I am not sure so I don't want to blame anyone. But they didn't seem to be very enthused. I mean there were a lot of objections to that type of program. You know, we are putting a burden on landlords, you know we are trying to encourage them to provide housing and here we are putting a fee on them. Same thing with hotels I guess. That's one way of looking at it, but another way is these people are not only providing a service they are also in business, they are making a profit of varying degrees and maybe it is appropriate for them to pay a fee to help the City finance an appropriate inspection program so that the onus would not be upon some poor tenant who is struggling to find housing to begin with. You know, putting the onus on that tenant to complain about a deficiency in the apartment and then fearing that the landlord is going to try to find some reason to evict the tenant. I know it is against the law to do that but it happens and I am sure it – especially low income, people in lower income, paying lower rents and lower income people would be more reluctant to complain for fear of losing a place to live altogether. So that would remove the burden from them. It would have an annual inspection that could help detect problems ahead of time. Thank you,

Chairman Schmidt

Alderman Lopez?

Alderman Lopez

You can't always tell when my hand is up because of this weird color combination here just in case anybody was wondering why I was waving a little bit there. To Alderman's Jette point, we talk about how everyone has a right to life, liberty and the pursuit of happiness in this country. If you are being evicted from your apartment or if you are renting a home or anything like that; if you are being evicted and you feel it is unfair, you have the right to appeal it, but the landlord is the one who gets to decide where the appeal is going to happen.

We have a pretty famous example in downtown Nashua where we have a pretty large rooming house which is about a block away from the court and you have to go to the court in Portsmouth because that is where they file at. So there are issues with making it a complaint driven, people have the right to be heard scenario where is that lack of equity. Additionally, as Alderman Jette pointed out, the City Departments weren't overly enthusiastic about joining forces in a lot of ways to the extent where in some of the meetings where we talked about how a complaint would be received, processed, recorded, documented, it wasn't even clear where the complaint was supposed to go. It was disclosed that a lot of people might come to the building department and complain about something and then be sent to a different place where the other Department doesn't have a data base at all or any record keeping capability, but that the City Department that they first made the complaint to which absolutely has a data base wouldn't keep track of it either. So we can't claim to have a complaint driven process when you make it very difficult and intimidating for people to complain in the first place. I think that does speak to the issue of equity.

Chairman Schmidt

I can tell you that as far as where a landlord goes to court, where he files, that's a State regulation. We have tried to change it in the past and have been unable so far. It doesn't mean that I am not going to try again.

Alderman Lopez

Right and I am not blaming you as a State Representative. What I am saying is as the City of Nashua...

Chairman Schmidt

I understand.

Alderman Lopez

... is yet another area where we cannot rely on a larger authority and our constituents can't either. If we don't address it in-house, they can't appeal to a higher authority as easily.

Chairman Schmidt

So as a Committee we can actually say that we recommend that the City license any rental unit, yes? We can say that that money collected in a licensure goes to an inspector's fee, whatever part-time, whatever we have and that we make sure that there's a data base with all of this information and that that is consulted before any money is given to a landlord for temporary housing. Does that sound like we've come up with so far?

Alderman Lopez

I would potentially add that it might be a good idea to create a license structure, where it is scaled to the tax value of the property because larger facilities shouldn't be paying the same amount as smaller ones and smaller ones shouldn't be paying the same as larger.

Chairman Schmidt

Per unit....

Alderman Lopez

Higher ends not just per unit because I think some of the higher end ones can probably take the tax load a little bit more comfortably where the smaller or lower ends ones can't necessarily afford that and we might be charging them out of the same pot of money that they would keep the front of their building from falling off for example. So if somebody is going to contribute to the escalating amount of money that our support programs have to pay, like the Housing Authority and that in order to get vouchers. If they are going to contribute to inflating the cost of housing of rental housing, then they should contribute to the ability to make sure that's its quality.

Chairman Schmidt

So licensing once a year and any suggestions for the amount the license should cost?

Alderman Lopez

I think it should be scaled to the assessed property value.

Chairman Schmidt

\$20.00 a year; \$55.00? Alderman Jette?

Alderman Jette

I am thinking that perhaps we are getting too far ahead of ourselves. I think that we ought to look at – I think the place to start would be – I'd be willing to work on this and appreciate any other help anybody else would like to provide. Looking into what other, I mean this is not a unique problem so we don't need to reinvent the wheel. Let's look at what other cities, what other places – I think we ought to find out if any other City in New Hampshire has done something similar.

Chairman Schmidt

Manchester does, just to let you know.

Alderman Jette

I thought Manchester did, but I am not sure about that. Yes? OK. So let's look at what they are doing and that's encouraging because they must've gotten beyond that, you know, the problem we keep running into is we can't do anything the State doesn't let us do. So if Manchester is doing it, they must've gotten through that problem.

Chairman Schmidt

Yeah.

Alderman Jette

Finding out whether there are any other cities that have done this in New Hampshire and what they charge and then come back to this Committee with what we find out. We can see where we want to go from there.
Chairman Schmidt

Would you be willing to do some research for us, Alderman Jette?

Alderman Jette

I am, I would be. Yeah.

Chairman Schmidt

That would be awesome, thank you. The big cities; Keene, Portsmouth, Manchester, Concord, they'd be the ones that we would be looking at because they are the ones that have the most rental units probably.

Alderman Jette

Perhaps the Municipal Association would...

Chairman Schmidt

Oh, yes that is an excellent idea.

Alderman Jette

We are members and we don't take full advantage of our membership I don't think. So maybe they could help us.

Chairman Schmidt

So you would be asking is it Legal and can we license and inspect yearly on that license. That might be a question because that might be an intrusion. I don't know, that's one thing that I had heard the reason that the Health Department/Code Department does not go unless there's a complaint was because they didn't feel that they had the right to go into something someone else owned.

Alderman Jette

Well I think that stems from if you suspect that the law is being violated, before you can enter the apartment you need some probable cause or you need a court warrant to enter to allow you to enter. But if, the way that this other program, the way that other program gets around that is that you require an annual permit and in order to get the permit you have to submit to an inspection. So if you don't allow people in to inspect you don't get the permit so you can't rent the apartment. I think that's how they get around that.

Chairman Schmidt

That sounds good. Alderman Lopez.

Alderman Lopez

Maybe tying it to recertification for occupancy following an eviction because number 1) there would be the whole grandfather thing, people have tenants in there right now maybe they don't have to necessarily do anything right now as long as those tenants stay there and that's incentive for the landlords to ensure that the tenant is happy with where they are.

Chairman Schmidt

That's an excellent thought.

Alderman Lopez

If there's nobody in the apartment then having Code Enforcement inspect it, understand exactly what they are planning to do with it and make sure that the next people in line are moving into a place that's legitimate, that's kind of like getting at it before the residents are investing their money too.

Chairman Schmidt

Good, very good. I think we see something forward. Yes, Alderwoman Lu?

Alderwoman Lu

Thank you. A couple of things but Alderman Lopez I didn't quite understand the point you were just making about recertify before, you know, if it is a vacant unit. How would the City know it is a vacant unit? Are you referring to the units that we actually have Welfare funds being used to rent?

Alderman Lopez

Indirectly. So tying City support to things is tricky. We have the liability in a very indirect way of contributing to a situation that we don't want to. But at the same time, if we disincentivize working with the City, we have created another problem where now we are forced to work with a smaller group of people that we don't have as much ability to influence. So I didn't mean tying it specifically to publicly supported programs, I would want to apply this to something, to a scenario that was relevant to everybody so that we don't create a separate class or expectation.

When I say "certify for occupancy" we could require landlords to advise us if a tenant has been evicted and then we would go in and inspect before they are allowed to move anybody else in. That may address a lot of problems that you run into in the eviction and whatever scenario because sometimes someone is being evicted because the landlord just wants to move somebody else in that they prefer or like more. That's fine, it's their place and their location and everything. But it is not also fair to evict somebody under false pretenses because you want a more desirable tenant in. So if there's going to be an evaluation done afterwards it is a little more difficult to be egregious with that like just make things up.

And then likewise if you are going to evict somebody because you didn't maintain the unit that they are staying in and they are making noise over it, you're not going to escape the problem by doing that. You are just going to have the City come and inspect it anyway.

Alderwoman Lu

True, OK. Thank you so I just wanted to say that I love the idea of looking at this in a more systematic way and seeing if we can make some ... have some effect on increasing the equity in housing in Nashua so I am really happy that this meeting took a turn this way. I think pricing the license might depend on how many units there are in the City and that would be a factor in how much each person would pay so we would need to know that rather than just throw out it depends on the value of the unit. And I wanted to say if you'd like any help, if you'd like me to help you, Alderman Jette, I could take a City and also help with that research.

And there is one other thing. Alderman Lopez you mentioned the New Hampshire Constitutional requirements and I hate to be in a position where I sound uninformed but where would I find that kind of information, I mean I know it would be in the New Hampshire RSA's. But what are you referring to when you made reference to something like that?

Alderman Lopez

So actually if you look at the City's Welfare Guidelines they quote the RSA for you because they basically say pursuant to blah, blah, blah, and that's a way of their signaling to participants in the program that this is why we are doing this, they are your rights. But just because they are telling people that doesn't mean that they are necessarily laying out a path for that person self-advocating or defining exactly what those are. I had brought this up to Attorney Bolton, he has said that we meet the requirements as much as necessary. But if you want to find the RSA's that are relevant to City's responsibilities for helping people who have no means of their own, that's where you would start.

Chairman Schmidt

Would you do that for us Alderwoman Lu? Would you speak with Code and ask them for the RSA's.

Alderwoman Lu

Sure. It sounds to me like what Alderman Lopez said maybe I'd go to Welfare, speak with Bob Mack. I mean it seems like that would be the place to get that information or to get help with gathering it. Would you agree, Alderman Lopez?

Alderman Lopez

Yeah that's basically what Alderman Wilshire and I were doing two years ago and we looked at revising the Welfare Guidelines because I had raised these concerns in the Substandard Living Conditions Committee that we may be identifying people as ineligible in a way that wasn't necessarily accurate. Somebody didn't go to a case management appointment last year, that doesn't mean that their children deserve to be homeless this year because the City abdicates its responsibility. So that was behind that effort to try to do it. Bob Mack can tell you the results of that but my impression of it was that he and the group that was involved expanded it to all of the other local Welfare Directors, had a series of meetings that became increasingly less accessible and then didn't make changes. If there were changes, I am not aware of what they are.

That's where I am getting this from. There was an effort in the past to make sure that we were providing accountability and transparency but then I don't think we did. It never made it back to the Committee before the Committee changed hands and we all switched our terms and that kind of stuff.

Alderwoman Lu

So yes, I can gather that information for the group.

Chairman Schmidt

Super that would be great. Alderman Lopez, as far as getting this started, I mean it would be very nice if we went ahead and we will collect money for the licenses and fees, but we would need some funding to get it started. Do you know where funding like this would come from?

Alderman Lopez

So this is tricky this year particularly because I am pretty sure the Mayor is trying to shrink Departments in order to keep the tax rate from going crazy.

Chairman Schmidt

Yeah it's got to come place.

Alderman Lopez

So he may not be like, OH good, you've asked me to do more. So that could be a challenge but the very least we can do is identify what other cities do and kind of look at a goal. I don't think just because we can't do something this year we should avoid ever doing it. And I think that's something that is going to be very important for us to remember with the Budget. Some of the things that we are going to have to look at very carefully this year, there's nothing stopping us from doing them in future years, so we may need to make strategic planning decisions and that may be part of where a Committee spawns from this one where we say this is our intention and we need to figure out what exactly that would look like.

In order to figure out what kind of funding sources we can identify and all that, we also need to figure out the scope of funding we would need like are we looking at inspecting every single unit or are we looking at having everybody pay a license and then expecting X number of units. That may be a decision where we want a wider community input in. There is a program called Nashua Listens which the Library started just before COVID – the worst time to come up with like a let's get everybody into a room and start having conversations. But this is definitely a conversation that they could be managing for us. There's also I think Alderman Schmidt also attended one of their presentations. There's a group of faith and community leaders that are trying to focus on access to affordable housing in Nashua. And there's also Granite State Organizing Project and I suspect those are places that might be able to help us figure out the need to meet the policy that Alderman Jette identifies in the obligation that Alderman Lu might find.

Chairman Schmidt

Complex issue and you are right, we shouldn't stop just because we know that we don't have the funds this year to hire somebody to get this started. I am just wondering if there isn't some Federal Funding or through HUD or somewhere especially with all the money that's coming into the State through the COVID relief and the American Rescue Plan and if there isn't something that would help us with dealing with the issue of apartments. It's a huge, huge issue; it is not just housing that has got bedbugs, it is also that there isn't any housing and that it is so expensive. I am just wondering if this could be part of something bigger in the long run rather than just can we charge somebody for, you know, \$5.00 bucks a year for their license to have an apartment. Maybe it could be something bigger.

So instead of just thinking small, let's think about next year and let's think about where we can take it. What this could grow into. Maybe that inspector would have a much larger job than just going into apartments to make sure there's no mold in the kitchen ceiling. Something for the future, yeah?

Alderman Lopez

For my 2 cents, I will say with respect to the State Representatives here, I would be hesitant to put anything solely on them because they change personalities every two years. And when it comes to the Federal Government they don't change until something is way, way after the fact. Like they were showing up in year 5 of the opioid crisis like let's think about getting you guys some funding. So that's why I always say like whatever we can do locally first would be good. But I think there are probably partners here and I wouldn't mind doing research in trying to find out what those contributions are and I know we have City Staff who probably could be very helpful in that too.

But I think for the sustainability of it, that's where we probably are going to have to look to ourselves and figure out what Nashua needs and how to maintain it at a Nashua specific level. HUD plays hunger games with the non-profits dealing with the HUD money, they make them compete for the prize. And they hide in a very, very elaborate like application system which encourages statistical measures and cooperation and having certain committee members and whatever. I think in a perfect utopia all of that would be very helpful guidance and teachable strategies, but it really turns into like people having to compete against each other for who is going to get resources.

Chairman Schmidt

Yeah you see it up in the State. Right now we are doing the Budget and we are watching different departments, different organizations, non-profit organizations that are begging please put me back on, please fund me completely. And even when you fund them completely it isn't enough. And it's wrong and we shouldn't set organizations against each other that are all necessary. But for here and right now, let's take each step as we can and see how we make this grow into something good. Alderwoman Lu did you have something you wanted to say?

Alderwoman Lu

Yes I did. I didn't think I had my hand up. I just wanted to offer thought that when I visit another community one thing that I thought was really interesting is they have a display. And the display, it's artistic and it talks about human rights and maybe it is more common than I had realized. I had never seen this before. But it is like all the way around the square. It tells what has been decided that are human rights internationally. And just reading that, I just thought it was neat and helpful for anyone to know that these are generally agreed upon human rights and large organizations have established that and worked that out and are committed to that.

And so it makes me wonder if when, OK so when Alderman Lopez spoke a lot about what is going on, although when you first started talking tonight you alluded to you know there are things that still haven't improved. I am not aware of what you know but I think that when we get all of our information together, maybe we could have some sort of an education piece somewhere around the City just to inform, as an education, a billboard or something like that to put that word out there that these are expectations that you can have when you rent a place in Nashua. And you know, you will be supported if you need help getting that quality.

Chairman Schmidt

And who to reach and how to reach them, yes?

Alderman Lopez

So there is a Tenant's Bill of Rights that Alderman Clemons wrote and he had talked about trying to add amendments to it and modify it but that's supposed to be every time there is a rental agreement in Nashua, somebody gets a copy of that. There's also a Good Neighbor Agreement I should probably find out to what extent that has an impact and whether there's any support behind it. But I think the most addition amendment that Alderman Clemons and I had talked about when he returned to office was just having landlords write down on paper whether or not parking was available. Like you are renting an apartment and there's no obligation to actually say like, Oh yeah, by the way, there's no parking. So then they rent and then we as Aldermen are supposed to manifest parking spaces because a landlord made decisions about how they are using their property and that obviously gets awkward.

So Alderman Lu you are right there really isn't a 10 Commandments of what landlords should do and there isn't a Bill of Rights in regards to tenants that is anywhere near up-to-date. But I think we could look at that, what Alderman Clemons had already implemented and maybe have that as talking, a discussion point for our next meeting and maybe invite him to come and talk about areas that he thinks we could do better with too.

Chairman Schmidt

Excellent. Have we pretty much covered what we were not even expecting to do? This is tremendous. I was expecting everyone to say, you know, we can't do anything more, let's call it quits and it is over. But I think we have got a goal here and it may not happen tomorrow but it certainly is going to happen sometime if we have anything to do with it. We all have our assignments. Oh gee, what shall I do?

Alderman Lopez

Get Alderman Clemons and his constitution.

Chairman Schmidt

We will get Alderman Clemons in here next month.

Alderman Lopez

You're the Chair.

Chairman Schmidt

If it's OK with everybody.

Alderman Jette

I think you have your work cut out for the Legislature.

Chairman Schmidt

Oh it is a busy time.

Alderman Lopez

(inaudible) if people could actually fight their eviction within 50 miles of their eviction.

Chairman Schmidt

I'll put in a Bill again and we'll see if we can't just get enough people up there to help us understand that it's not just about landlords, it is about family, it is about community, it is about safety.

Alderman Lopez

Because that case that I brought up was obvious to me because it was so close to the court. But I've really had, I've seen experiences where people are renting from somebody who lives in Florida and the person evicts them and like Florida never had anything to do with that relationship or whatever but that's where they get seen. It just doesn't make sense.

Chairman Schmidt

Well I will tell you what, when it comes before the Committee, Alderman Lopez will come up and he will speak eloquently and at length to let people know how important this is and how we can make lives better.

Alderman Lopez

It's the State House too I'll bring puppets.

Chairman Schmidt

Oh they'll love you, they will absolutely love you. Anything else before we close tonight?

Alderman Lopez

I never got any update on what was going on with the tax incentives for struggling landlords following COVID-19. I was going to ask Treasurer Fredette can we look at that.

Chairman Schmidt

There's actually – the landlords themselves have to do this and they simply have to call the State and get the data. It has to be someone that earns less than \$20,000.00; it's only for very small landlords. For anybody who has a question about anything like this 211 is the call to make.

Alderman Lopez

OK. We really need to have somebody do a presentation because somebody watching this going to be like, call the State? How do I call the State, what does that mean. But yeah 211 is a good start and then, if we could, I saw the article in the Union Leader I think it was, but it would be good to have somebody like New Hampshire Legal Assistance or some group that knows these different features come and present because we talk – I am particularly, traditionally on the side of the people who are living in the substandard living conditions but I also recognize that there are the landlord's side and component. I think while we do need to look at managing and accountability in the City, we can also look at resources and support as well.

Chairman Schmidt

Perfectly good idea. I'll ask anyone from Legal Assistance to come to visit us next month and we will do that first before we discuss anything else. Anything else tonight?

REMARKS BY ALDERMEN

Chairman Schmidt

Remarks by the Aldermen? I think we have remarked quite a bit. Alderman Lopez?

Alderman Lopez

I just wanted announce tomorrow is free Cookie Day at Crumbl, C-R-U-M-B-L, you can find them on Facebook they are brand new to the Nashua area. They had their ribbon cutting yesterday so they are opening gambit is to give out cookies which I think is a power move. And then additionally we are working on a number of murals in the Le Parc de Notre Renaissance Franciase. I know Alderman Jette is going to call me out on it, so I just want people to be aware of that so that nobody thinks we are destroying murals. We are updating them, we are renovating them, we are renewing them.

Chairman Schmidt

What was the web site again so that people can do see...

Alderman Lopez

Involvedtoimpact.org. It is Involvedtoimpact.org. And one of our VIPs on the wall was nominated by the Richelieu Club is Mayor Lozeau, so some familiar faces. And then also the Tree Streets Block Party will be June 26th. You can go to the same website actually because we happen to be doing both of them. And if you are interested in sponsoring a futsal team or donating so we can give ice cream to kids or anything like that then check it out.

Chairman Schmidt

Thanks very much. Anything else, folks?

Alderman Jette

I think you skipped over Public Comment?

Chairman Schmidt

OH I'm sorry, actually there is nobody here. We've got Jeff from CTV. Yes, there is no public comment because there is no public tonight. And we do not need a non-public session.

PUBLIC COMMENT – NONE

NON-PUBLIC SESSION – NONE

MOTION BY ALDERMAN JETTE TO RECOMMEND TO ADJOURN, BY ROLL CALL

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

Yea:	Alderman Schmidt, Alderman Jette, Alderman Lopez Alderwoman LU	4
Nay:		0

MOTION CARRIED

The meeting was declared closed at 8:11 p.m.

Ernest Jette
Committee Clerk