



**MINUTES
COMMITTEE MEETING
LEGISLATION AND CODES
9/20/2021**

Roll Call:

Members present: Daniels (chair), Schaber, Thomas
Meeting called to order at 7:21 PM with a quorum present.

Minutes – 09/07/2021 available, 09/20/2021 pending

Schaber made a motion to approve the minutes, Thomas 2nd. Roll Call: Ayes – Daniels, Schaber, Thomas. Nays – none.

Minutes of 09/07/2021 approved (3-1)

Old Business:

Item 1. tempORD2021-71: ORDINANCE CREATING CHAPTER _____ OF THE MARION CITY CODE (Neff) (previously ORD2021-31)

Neff provided Exhibit A: Vacant Building Registration Form as a supplement to the proposed ordinance. Neff explained that he would like to get this to the council floor. He believes that he may not have done a good job explaining how this might work with specific examples.

He gave a specific example of a home that was in his neighborhood. It was empty for three years and that home was maintained at least to the level or probably better than the level of half the occupied homes in the neighborhood. The utilities were connected the entire time. That home does not fall under this registry. Although it is vacant, it is secured, maintained, and the utilities are on. The registry is targeted towards nuisance homes. See ordinance for specific details.

He sees this as a benefit to the zoning and compliance department because it gives them information they need – who owns the property and how they can get in touch with them. It also is beneficial to police and fire to give them information prior to entering the home. It is also a benefit to the neighborhood and all the other taxpayers in the city.

The prosecutor's office will need to inform bank foreclosures of the need to register appropriate properties, that meet criteria in ordinance.

In response to the Mayor, Law Director explained that the property owner/title holder on residential properties is the legally responsible party.

Foreclosure registration is a separate requirement.

Thomas expressed concern about having the employees to support the program with out additional funding. Neff explained that it could be contracted out, however it is not his preference.

Randy Conley (523 Mary Street) stated that he has purchased property and is trying to fix it up but is having problems with people breaking the law.

Swanger said that this ordinance is just making more government. She does not think that we need more government. We just need the government we must work. The city sanitarian has a list of all the abandoned and blighted properties in Marion. She does not believe that a second list to be created. Once a house goes on the list, what happens next?

Unidentified resident asked what the goal is. Housing is needed everywhere and there are plenty of people who would like to do things with these houses.

Neff said the goal is to remove properties from the list. This can happen by selling it, establishing an exemption, tearing it down, securing it, fixing it up, etc. The goal is to understand where these properties are and who the city can contact for issues.

In response to Mr. Kelly (365 E. Farming), Neff responded that he intends that the city sanitarian and the code enforcement officer would enforce this process. Mayor explained that the police and zoning inspector could write a citation under ORC 1360 (violations). He questioned whether they could find a responsible party, i.e., died, moved away, etc. There is no one to go to. The person property is titled to is the responsible party.

Mayor continued. County land bank deals with some of these issues. It is not their sole purpose to demolish homes. The longer they sit vacant, it becomes cheaper to tear it down than fix it up. He is not sure that it will make a difference for a property to be on a list if it has not gone through the tax foreclosure process. There are around \$9 million in uncollected property taxes. They need a more proactive approach on these vacant properties, so these properties do not become so bad that the only option is to demolish them. They are starting to look at rehabbing some homes if they have not deteriorated too bad. There are a variety of things at play here with the primary responsibility for tax foreclosures held by county government. The city would prefer that they deal with disease rather than just the symptoms of the disease, which is the violation process.

Kelly reported that he had a van on his street for an extended period with no tags. City struggles with the manpower to enforce the codes they already have, without adding additional duties. He does not understand how this is going to get rid of problem properties in Marion.

Neff reiterated that the list has nothing to do with tax foreclosures or properties that are delinquent in taxes. It has to do with bank foreclosures and nuisance properties. It has nothing to do with occupied housing. Neff stated that Marion is like Sandusky and some of the other cities that he has cited. Applying for an exemption is always an option.

Daniels described an ORC process where a person pays a \$500 bond with the treasurer's office and push a tax delinquent home into a tax sale with a guarantee that they will pay the back taxes, starting with the \$500. Russell stated there was a year that Marion filed zero tax foreclosures. The house that exploded on Congress had not paid a tax in fifteen years. The recent arson fires were in arrears over \$10,000 on taxes. There are many things that can be done, but the #1 thing that will have a direct impact is pushing tax foreclosures through the prosecutor's office. He is not sure that we need a vacant building ordinance. One of the biggest problems they have is finding a responsible party. City government cannot do tax foreclosures.

L. Daniels (608 Decatur Street) addressed the issue of unpaid taxes.

Ratliff stated that he thinks that this has everything to do with tax foreclosures. If the properties were being foreclosed on quickly, they would not be empty for so long. He is concerned about the burden of the inspection process due to staffing. The ordinance stipulates that the city will do that. He questioned the criteria for an exemption. The cost for registration scales up every year. If resident is not paying other bills, it could not be expected that they will pay a property registration. The person cannot sell or transfer the property if fees are owed.

Daniels talked about whether there are sections of the proposal that might be acceptable to people.

Neff referred to the ordinance and some of the specific exemptions listed, as well as the criteria for those houses that must be registered. They can also apply to the city safety director for an exemption and the ordinance lists some considerations. The ordinance will not do anything to a property that has a large amount of taxes. The point is they do not want to get to the penalty phase. They have \$40,000 to figure out how to get those inspections done in 30 days, if they get a flood of applications on the first day (fees can be used to fund inspections).

Thomas again questioned who would enforce it and asked that the zoning inspector and sanitarian be present at the meeting, as well as the safety director and the law director. Mayor stated that when they expand government, it will cost money to do it.

Daniels stated that he has an interest in pursuing the banks. It does not affect average residents. He believes that the legislation may be easier to pass if it was in smaller pieces. If they started with banks/mortgage holders, they could do a test run and see how it works and adjust. There is a perverse incentive to the banks to not take title. If they want rights to property, then they need to take the responsibility. There may be situations where the bank may want to leave the property to the owners.

Neff appreciated the comments from Mr. Daniels but asked that they consider the ordinance in its entirety.

Schaber said that there are too many questions out there for him to feel comfortable acting today. Like Daniels, he would support going to a smaller piece of legislation targeted at banks.

Mayor agreed that it might be good to pull out bank section as well.

Russell clarified that requiring the registration is within their authority.

Neff requested time to do some more work on the ordinance.

Item will remain on agenda as old business.

Other Matters:

Adjourn:

With no other business, the chair adjourned the meeting at 8:15 PM.

Josh Daniels, Chair

Tarina R. Rose, Council Clerk