

MINUTES OF THE HOUSING COMMITTEE
July 22, 2019
East Conference Room

Present: Councilmembers Anderson, O'Malley & Rader

Also Present: Councilmember Bullock, Assistant Law Director Swallow, Building Commissioner Joe Meyers, Police Captain Wilkins, and a couple members of the public

Call to Order: 6:00 p.m.

AGENDA

Approval of the minutes of the May 6, 2019 Housing Committee meeting.

Chairman Anderson made a motion to approve the minutes from the committee's last meeting on May 6th, which was seconded by Councilman Rader. All members voting yea. Motion passed.

ORDINANCE 18-19 - AN ORDINANCE amending Chapter 1323, Registration of Contractors, of the Codified Ordinances of the City of Lakewood to require contractors registered with the City to receive a training or orientation to be provided by the City. (Placed on 1st reading and referred to Housing Committee 6/3/19; 2nd reading 6/17/19)

The committee posed questions regarding the registration of contractors on the state level of government. Building Commissioner Meyers stated that the licensing of contractors is handled at the state level by the Ohio Department of Commerce and the Ohio Construction Industry's Licensing Board, which has supervision over specialty contractors. These licensing agencies ensure that contractors in specific trades have the required competency and certain level of education needed to complete quality work. Local municipalities used to handle these tasks, but the state took over in order to standardize the process and ease the burden on contractors.

There was discussion among the committee regarding the process of registering contractors, the fees related with doing so, etc. It was clarified by the Building Department that sub-contractors are required to register with the city. If a sub-contractor has 5 employees or less, he or she would just register as a contractor, with no tax ID number needed. Chairman Anderson concluded that being registered in Lakewood functions as a de facto license.

Members of the committee had questions regarding specifics in the legislation, such as defining a contractor orientation program and what percentage of contractors do not require a license. Commissioner Meyers guessed that about 30% do not require a state license because they are general contractors. Commissioner Meyers presented a list a questions he and his department had about the legislation, such as has public opinion or contractor input been sought, have other cities implemented this type of ordinance, etc. He added that one of the problems the Building Department sees is not shoddy contracting, but homeowners obtaining permits for contractors that are not registered with the city and call the department, looking to be bailed out, when the agreed upon work has not been completed.

Chairman Anderson expressed concerns that many residents may think that the registered list is an endorsement of contractors and think they have been vetted by the city. Assistant Director Swallow asked questions regarding what the content of a contractor education program might look like and posed the possibility that smaller contractors that are readily available to do work may run into issues with the amount of insurance the city requires. This proposed training may create another hurdle for them and deter them from doing business in the city. The timing of the orientation may also pose problems as well.

Councilman Rader asked if the orientation was intended to be implemented by the city or a third party. Chairman Anderson stated that it seemed to be intended to be a controlled process in house by the city, such as making a packet available to contractors and the contractors then showing some sort of competency for the contents of the packet or doing business in Lakewood. Councilman Bullock added that the concept behind the legislation is that Lakewood has shifted into a growth mode that comes with challenges. As Lakewood has had home price increases consecutively for 4 years, contractors are going to continue to do work on homes, and Bullock stated that the city should want to make sure their doing good work and make sure that people are buying a good product. He stated that contracting is a less regulated and less uniform profession and the city ought to show leadership and crack down on the bad actors out there. This legislation was intended to follow the success of the landlord training, which is required once every 2nd year. He proposed a quarterly training that would facilitate engagement of contractors in a positive way and as a way to catch underperforming, bad actors.

Councilman O'Malley expressed concern that it would deter a significant number of contractors in the city. He added that the landlord training is not analogous, as it is worth someone's while due to the steady stream of business that comes with being a landlord. This reality is not the same for contractors who may work in the city infrequently. Chairman Anderson stated he's heard from landlords and contractors that they are not afraid to go through an extra step if it provides some sort of competitive advantage for them. He provided examples of contractors reporting on each other for not pulling permits for work. The administration expressed concerns about whether putting them through a program would actually make them a better contractor. Councilman Bullock stated that the questions posed by Commissioner Meyers have the tone that he does not approve of the legislation and added that the legislation is not intended to be punitive. Commissioner Meyers replied that the Building Department is not a trade school and that his department cannot educate contractors in their trade, nor should it be putting tests together to train people. The Building Department enforces code and that code is a minimal standard. Members of the committee expressed concern that homeowners may not be familiar with good contracting practices or construction. Commissioner Meyers stated that it would be worth educating the homeowners, not contractors, as they are ultimately the project managers. The Building Department only does point in time inspections. It was discussed that the Building Department being the enforcement contact in the ordinance may present a conflict of interest. Councilman Bullock stated that the landlord training is run by multiple city departments and that the city should have a collective effort to get the attention of contractors.

Chairman Anderson stated that there are far fewer contractors operating in Lakewood than the number of landlords and homeowners and that there's a need for the city to be cognizant of not creating a training program. He expressed a desire to make sure folks are competent and working

within the confines of the city's ordinances. He expressed interest in reducing the \$100 annual contractor registration fee in subsequent years or offer a multi-year registration process, which would signal to contractors that the city is looking to be a partner. Councilman Bullock stated that he and the chair will draft up answers to the questions that Commissioner Meyers presented and will seek input from contractors in the future.

ORDINANCE 19-19 - AN ORDINANCE amending Section 541.04, Criminal Mischief, of the Codified Ordinances of the City of Lakewood to include residential light nuisances. (Placed on 1st reading and referred to Housing Committee 6/3/19; 2nd reading 6/17/19)

Chairman Anderson and Councilman Bullock stated that Ordinance 19-19 is intended to incentivize neighbors to not have light pollution in others yards and that the criminal mischief section of the code provides a means for the tools to do that. Assistant Director Swallow states that the police would go to a property where they receive complaints about a light shining into a neighbor's home. She added she would like to see the Planning Department come up with a best practices sheet that the police could have handy to manage these situations. An example of the Good Neighbor Practices sheet was passed out.

Captain Wilkins of the Lakewood Police Department reported that the department has received about 10 calls similar in nature to this issue. The police do not look to cite, but this ordinance would provide them with the ability to do so if necessary. The police would utilize the law in a similar fashion to noise complaints, where they speak with a property owner about the complaint, warn against the behavior several times, and issue a ticket if a property owner refuses to comply. A reasonable person standard would be applied if a lighting issue were to arise and the police would be responsible for establishing the facts of the case. The problem was equated to businesses having alarms continually going off, being a nuisance to the neighborhood. The committee found that this is not an ordinance commonly found among other cities. It also concluded that most complaints involve parties that may not even realize they are disturbing their neighbors, however this law gives teeth to police action if a situation gets to the point where police are called multiple times to a property.

Chairman Anderson expressed his support for Ordinance 19-19 and made a motion to recommend adoption, which was seconded by Councilman Rader. All members voting yea. Motion passed.

The meeting was adjourned at 6:59 p.m.

Contractor Training Ordinance – Considerations:

- 1) What is it we want to accomplish? How will content be determined?
- 2) What is public opinion? Have contractors been consulted? Will there be a task force?
- 3) Have other cities implemented similar requirements? Why or why not?
- 4) Is the issue better addressed by educating homeowners such as the “Know-Your-Home” seminars conducted by LakewoodAlive?
- 5) Is this already addressed by services such as Angie’s List, the Better Business Bureau, NARI, Lakewood Chamber of Commerce, HomeAdvisor and others?
- 6) The problem we see in the building department is homeowner’s obtaining permits for unregistered contractors claiming they are doing the work themselves or hiring unregistered contractors who do not obtain permits with the result being an unhappy homeowner who wants the city to bail them out. Contractor conflicts are a civil matter dealing with contract law.
- 7) Will this ordinance conflict with State law [ORC 4740??] for contractor licensing currently administered by the Ohio Construction Industry Licensing Board (OCILB) - Department of Commerce?
- 8) Will this ordinance be considered an endorsement of contractors by the City? What is the City’s liability?
- 9) General law and the building code recognize the owner of the property as the “person in charge” and therefore ultimately responsible for what happens on their property, including construction. Homeowners sometimes mistake lack of due diligence for contractor error. Homeowner’s must do their homework, get references, read the contract and actively manage their projects. Building codes are “minimum” requirements and may not necessarily represent contract obligations.
- 10) How would this ordinance be administered and enforced? Would it delay the registration process?
- 11) Can Building Department involvement be construed as a “conflict of interest” since we inspect the contractor’s work. There could be a conflict with the OBBS and liability if we are “training” or “directing” contractors. There is usually more than one way to stage and perform the work and the contractor knows best how to compete in the market.
- 12) Would this training be better administered through a third-party such as LakewoodAlive?

2018 KNOWING YOUR HOME EDUCATIONAL SERIES
UPCOMING EVENTS

DATE	WORKSHOP	TIME	LOCATION
MAR 8	Creating a Sound Investment	7-9pm	Bottlehouse Brewery
MAR 15	All About Fireplaces	7-9pm	The Hearth Shop 27303 Center Ridge Rd, Westlake, OH
APR 14	Step Repair & Replacement	10-12 noon	Cleveland Lumber
APR 19	Air Conditioning (for Steam or Hot Water Heat Homes)	7-8:30 PM	Slife Heating & Cooling
APR 26	How to Contract a Repair	7 -8:30 pm	Lakewood Public Library
MAY 10	Plaster Repair & Replacement	7-9pm	Sherwin-Williams
MAY 17	Home Maintenance	7 -8:30 pm	Lakewood Public Library
JUN 14	Exterior Prep & Paint	7-9pm	Sherwin-Williams
JUL 19	Hands-On Window Repair	7-9pm	Lakewood Hardware
JUL 28	Generators 101	10-12 noon	Cleveland Lumber
SEP 20	Electrical 101	7-9pm	Clock Electric (1624 Coutant)
SEP 22	Weatherization Basics	10-12 noon	Cleveland Lumber
OCT 18	How to Stock Your Tool Box	7-9pm	Lakewood Hardware
OCT 25	Plumbing 101	7-9pm	Clock Electric (1624 Coutant)

In lieu of charging for these events, we are asking for participants to either consider making a donation to LakewoodAlive or bringing cans of food or non-perishable items for the Lakewood Community Services Center. We appreciate your support.

For more information, visit LakewoodAlive.org or call 216.521.0655.



lakewoodalive

LakewoodAlive.org



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lakewood_alive

Joseph Meyers

From: NARI Home Improvement Show <info@naricleveland.com>
Sent: Tuesday, June 18, 2019 2:58 PM
To: Meyers, Joseph
Subject: Remodeling News June 2019

June 2019



"The Reliable Remodeling Resource for Contractors, Consumers and the Community"

You are receiving this email because you had expressed interest in information from NARI Greater Cleveland and/or the NARI Home Improvement Show. If you no longer wish to receive this monthly newsletter, please click on the UNSUBSCRIBE link below.

[UNSUBSCRIBE](#)

Seven Tips to Find a Qualified Remodeler

NARI provides the following tips to help homeowners in the selection process of choosing a home improvement professional and make an informed decision that best suits their needs.

1. Stay Local

Local remodelers are compelled to perform quality work that satisfies their customers in order for their business to survive. Local firms can be checked through references including past customers in your community or through your [local NARI chapter](#).

2. Follow Local Building Codes

Another advantage to hiring a local professional is that they will know the local building code and permit requirements for your town or city. Building codes vary considerably from each jurisdiction and are known to change from year to year. Most structural work or footprint expansions require permits.

3. Check for License and Insurance

Many states, but not all, require contractors to be licensed, bonded and/or insured. Most states also require a contractor to carry worker's compensation, property damage, and personal liability insurance.

Ohio is one of the few states that does not require state-wide licensing and/or registration for home improvement contractors. So when hiring a remodeling professional, by choosing a NARI member, you have the peace of mind that all NARI Contractors are required to carry worker's compensation, liability insurance, be registered in a city in Northeast Ohio, and follow a strict code of ethics. If your contractor is not a NARI member, be sure to contact local licensing agencies to ensure the contractor meets all requirements. Ask for a copy of their license and insurance certificate to make sure that it is current.

4. Check for Violations and Complaints

Check with the Ohio Attorney General's Office and the Better Business Bureau to ensure there are no complaints on record for the contractor. NARI members are required to have a satisfactory record with the Ohio Attorney General's office and the Better Business Bureau, and follow a strict code of ethics. To ensure your remodeler is a NARI member, search the directory at NARICleveland.com.

5. Compare Apples with Apples

If you solicit estimates from more than one remodeling contractor, be sure they are working off the same scope and quality of work. Discuss variations in prices, and beware of any estimate that is substantially lower than the others.

6. Be Informed

A good remodeling professional educates clients on green remodeling, universal design, lead safety, new products, building techniques and trends. Make sure you're hiring someone who has knowledge and expertise relevant to the remodeling industry. NARI offers eight certifications and provides education and training. Learn more about NARI Certified Professionals.

7. Always Check References

Don't rely on a contractor's personality or demeanor. If a professional does not offer references, ask for them and follow up with a site visit or phone call.

Visit our website

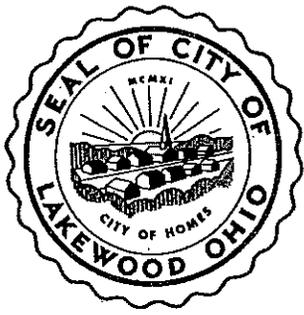
SAVE THE DATE
Make Plans to Attend



January 9-12, 2020

at the Huntington Convention Center
300 Lakeside Ave. E
Cleveland, OH 44113

NARIHomeshow.com



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Good Neighbor Practice – A Guide to Outdoor Lighting

Occasionally the Building Department fields complaints from citizens about a neighbor's outdoor light shining into their windows. Most often the offending neighbor isn't aware that they are causing a nuisance and just need to be gently asked to re-direct the light. While these instances are infrequent, they can be annoying when you are in the spotlight. Studies have shown that unshielded and unfocused lights can actually be less secure because of glare, waste energy (\$), and unfortunately and unnecessarily annoy the neighbors. Here's what you can do to reduce light pollution, avoid light trespass, and be a good neighbor:

- Aim flood lights down. A 45° angle or less is best.
- Use "soft-white or warm-white" bulbs, avoid blue light (above 3000 Kelvins).
- Add a shielding device to aim the light down so the bulb cannot be seen from the property line.
- Use lower wattage bulbs. A 40 watt incandescent or 9 watt compact fluorescent/LED bulb is sufficient for most urban situations. This also saves energy and your money!
- When purchasing new light fixtures, ask for and buy *shielded* lights, so light from the bulb doesn't shine into people's eyes. (Look for Dark Sky Approved fixtures – see back for examples)
- When adding a new light fixture, locate it in the middle of your house and away from neighboring properties.
- Use low-voltage or solar powered path lighting, these light walking paths but do not cause glare.
- Turn lights off when not needed. Use a motion sensing light, or a timer. Avoid dusk to dawn lighting.