

Nancy Marr (Prime Housing Group/landlord, member of East Lansing nonconforming use committee):

1. The rental nonconforming study committee set up by East Lansing issued a report which has resulted in proposed ordinances being sent to Planning Commission for recommendations to City Council. (I know you know all this since you are on that committee.) Can you tell me why some landlords are seeking state-level legislation on this issue even while the City is working on possible legislation responding to the landlords' concerns?

2. Are you at all concerned about destruction of good will between landlords and other constituent groups in the City by what some perceive as an "end-run" at the state level, with long-term implications for relationships between East Lansing landlords and others in the city?

3. What else would you add to help people understand the current situation?

In response to your questions about SB1060, the landlords want the same rights as the homeowner next door. What is the benefit of not allowing improvements? After five years of trying to get something done at the local level, the fact that we have gone to the state level is the only reason something is moving forward at the local level. East Lansing might be the only city in the nation where re-investing and making improvements is considered a bad thing. We aren't treating this as an adversarial issue with constituent groups. We want to provide the best housing we can and we're taking what we feel are the necessary steps to be able to provide that. We have been very clear from the very beginning that we are not trying to increase density. The bill specifically addresses this and we have continually stated it. We see this as a benefit for the renters that live in the houses and apartments, a benefit for the city with more taxes, and a better house or apartment complex for the neighborhood in the long run.

I hope this answers your questions. Thanks for covering this important issue.

Brian Hagan (Hagan Realty/landlord, Vice Chairperson of East Lansing nonconforming use committee):

[Same questions as those sent to Nancy Marr, as above.]

As you can imagine we discussed the email you sent within the landlord group. Rather than reiterating Nancy's comments, I will just concur with her assessment since it appears we are all on the same page.

I appreciate you continuing to cover this issue.

Mark Fisk (landlord, Glencairn Neighborhood President):

[Same questions as those sent to Nancy Marr.]

[No response received.]

Mark Meadows (Mayor):

1. Do I understand correctly you are disappointed that the Senate Committee on Local Government voted to adopt the S-1 version of SB 1060? If so, why?

No. I was surprised that the S-1 was even proposed. As presented, it is clearly unconstitutional as a violation of Article IV, Section 29: "The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected..." The introduced version was a general act, applicable to all units of government so clearly a general act will suffice. Even if it is a valid local act, it has a mountain to climb. In the House the Dems can beat on 2/3 votes and it will never pass a local vote.

2. Do you think the bill will go to the Senate floor?

I don't think the bill will go to the floor but am not certain.

3. Can you briefly explain why you think the bill would be unconstitutional as a law? (My understanding is that you're not allowed to single out a municipality in a state law.)

See above.

4. What else?

[no reply to this question]

Dan Bollman (architect, member of East Lansing nonconforming use committee):

1. As you know, in response to the committee's work, some draft ordinances have been referred by Council to Planning Commission for consideration. The landlords' view is that this is not moving fast enough nor necessarily will they get relief of their concerns. What are your thoughts on having them go back to the state at this juncture?

I'm at a loss to understand how it can be claimed that this is not moving fast enough. The Planning Commission held a Public Hearing last Wednesday. While the text needs some modification, it is finally at the point where some real changes in the ordinance and the resulting city policy will permit modifications to non-conforming properties.

More likely, as you also indicate, the proponents of the House Bill are not getting their preferred degree of relief. At present, no 'structural changes' are permitted on non-conforming properties. While this arrangement may seem severe, it has legal support. However, I personally do not agree that limiting modifications to the current degree is appropriate. There are workable, common sense solutions to this issue and the Non-conforming Use Committee

worked to find a balance between the current over-regulation and the needs of the neighborhoods, which are protected by the non-conforming use regulations.

In any case, I do not believe that this is an issue that should be sorted at the state level. I find it particularly frustrating that the self-proclaimed 'party of small government' would seek to overturn local zoning matters with statewide legislation.

2. Do you think this action could have any effects on relations between landlords and other constituents in the city?

I suspect there could be some bad feelings generated from this. Personally, I have worked – since the Pilot Formed-Based Code Program in 2012 – to find a remedy to this unworkable arrangement. We now have very workable language that is following the proper ordinance process. I cannot say that I am terribly happy knowing that I volunteered my time and knowledge to the effort while the state legislative process continues, with the intent of undermining that effort.

3. Anything else?

While I have no idea how long matters like this should take to work their way through the city, it is absolutely incorrect to suggest (as Rep. Chatfield has) that the city has done nothing to date and that only efforts at the state level will bring relief. As you are aware, city staff has been working on this effort since 2012, and has enlisted landlords and residents to find a workable solution. Like you and many others, I have volunteered my time with the hope that this effort would be done appropriately and with no expectation of any financial gain.

I have personally spoke out locally on behalf of two of the bill's local supporters on building-related matters. One was an application for a variance before the Zoning Board of Appeals and the other was for a change in zoning before City Council. In both cases, I spoke because I believed in their causes and felt that my knowledge as a design professional might positively influence the deciding body.

Both cases prevailed. Neither was my client at the time (or now, for that matter)

Sally Silver (Bailey Neighborhood representative/Bailey homeowner, member of East Lansing nonconforming use committee):

1. As you know, in response to the committee's work, some draft ordinances have been referred by Council to Planning Commission for consideration. The landlords' view is that this is not moving fast enough nor necessarily will they get relief of their concerns. What are your thoughts on having them go back to the state at this juncture?

I disagree that the city is not moving fast enough on this matter. The issue of non-conforming uses is complex and multifaceted. The committee on which I served was appointed last winter, not long after East Lansing's citizens learned for the first time that some landlords had approached the state legislature to pass a law that would override the city's own ordinances on

how the non-conforming status of a property affects its owner's ability to alter his/her structure. The state legislature and the landlords focused primarily on that feature of the city's codes, effectively arguing that such properties should be able to make the same alterations allowed to conforming properties. It's important to note that East Lansing's laws on this matter are similar to those of other jurisdictions such as Holland, Michigan, that are **dissimilar** to East Lansing. Ultimately, the proposed city ordinances you now see are related to this approach to the problem. Throughout discussions on these matters and on other committees, neighborhood representatives wanted some form of *quid pro quo* for allowing landlords to make more alterations to their non-conforming rental properties than now allowed: improvements to yards and more plantings of shrubs and trees, reductions in the number of tenants in some houses, or better design standards. Such matters were also discussed and put forward by the committee, but none of these *quid pro quos* were included in the proposed ordinances.

Just as important, after devoting a great deal of time to discussions of complex zoning approaches to this matter, the committee abandoned those alternate approaches for now, not only because these methods needed more clarity and refinement, but also because members felt the Planning Commission was better suited to make decisions on zoning matters and was doing so now with the new comprehensive plan.

So I believe that the committee and city actually needed and needs MORE time to address this issue, and that the zoning approaches on which we did not act may actually be better in the long run to address the issue of non-conforming properties. Comprehensive zoning changes obviously require a major effort by the city. The only way citizens can view the committee's actions as too slow is if they do not believe that zoning approaches to this issue are an important approach to such problems. And I certainly regret that because of the threat of state legislative action, we and the city did not have the time to take that more comprehensive approach. Good legislation takes time. Speed of action should not be privileged over quality and thoroughness of the law-making process. This is not an emergency.

2. Do you think this action could have any positive or negative effects for relations between landlords and other constituents in the city, including people who live in rental-heavy neighborhoods like your own?

From the beginning I have strongly disagreed with the intervention of the state legislature this matter, as has the Mayor. The state legislature did not create a law that would apply to all cities, but was specifically tailored to East Lansing, and can thus be seen as serving a geographically small group. Since other cities have laws that are similar to ours, but would be unaffected by the state committee's proposed legislation, it is hard to argue that their proposed law was a matter of general principle. Moreover, neighborhood activists were unaware that these landlords were doing this, and thus not prepared to make statements to the legislative committee proposing the new law when the proposed law first came forward. By the time we, including myself, were prepared to speak and attended a legislative committee meeting to do so, the committee shut off all comment. Certainly this will create tension between landlords and residents in neighborhoods with large numbers of rental properties, but it should concern

all citizens when the legislature takes up matters that should be handled locally and which traditionally have been handled thus. Clearly, this detracts from the authority of voters in smaller jurisdictions or in the ability we have to manage our own affairs.

3. Anything else?

It is surprising to me that landlords are complaining that the city has not acted quickly enough on this matter when several of them participated on the non-conforming use committee or observed it, and should appreciate how complicated the matter is. I believe Nancy Marr's requests for changes were met in full, so she has no basis on which to complain. Landlords have gotten some of what they wanted in the proposed ordinances, but have not given anything in exchange. Rather than graciously accepting the results of the give and take of the committee discussions or respecting the views of the city's elected representatives in coming to their compromise ordinance proposals, they are still threatening to get their own way by going back to the state legislature. This is a combative approach not suited to civil discourse.

Joanne Russell (Red Cedar Neighborhood representative/Red Cedar homeowner, member of East Lansing nonconforming use committee):

[same questions posed as above]

I really don't have anything to add on the record - except that personally I'd be very disappointed if the landlords went back to the state. I think many other older neighborhoods would as well.

The city has moved this process along as quickly as they usually do.

Basically landlords can do any type of improvement they chose right now except that they will be made to conform to current occupancy standards. The committee recommendation allowed for many improvements - bathrooms, 20% additions, interior changes - without losing their non-conforming status.

Perhaps it doesn't allow for that 2 bedroom 800sf house with 3 more beds in the basement to add a second story and still have 5 occupants. However removing those basement bedrooms would still allow the house to be a rental for 2, or sold to anyone looking for a smaller home - seniors, young professional, etc. It could provide some housing diversity.