

February 15, 2016 City Council Rental Housing Suspension Hearing

209 Holden Dr. – Eugene and Patricia Alexandrescu

This is a Show-Cause Hearing with Eugene and Patricia Alexandrescu of 117 ½ East 2nd Street in Piketon, Ohio. Mr. and Mrs. Alexandrescu own a rental house at 209 Holden Drive in Clemson. Mr. and Mrs. Alexandrescu are guilty of an occupancy violation for their rental house at 209 Holden Drive. The violation was validated after Mr. and Mrs. Alexandrescu were issued a summons to appear in Clemson Municipal Court and settled the case prior to going before the Judge. As a result, the property at 209 Holden Drive is considered a nuisance property due to the occupancy violation

This Show-Cause Hearing is required by City of Clemson Code of Ordinances, Sections 13-62 and 13-63 (attached). This hearing will allow Mr. and Mrs. Alexandrescu, City staff and any other parties to present information they believe to be relevant to City Council in determining whether Mr. and Mrs. Alexandrescu should be allowed to have a permitted rental property at 209 Holden Drive.

This is not a hearing of appeals from Municipal Court or a hearing to determine the guilt or innocence of the occupancy violation. That has been proven. This is a hearing under Section 13-63 to determine if the rental housing permit for this property should be continued or suspended for a period of time. Any information presented at this hearing disputing or questioning the validity of the occupancy violation is deemed to be irrelevant and shall not be presented as evidence.

History: This property first came to the attention of the City in 2009 when the property entered into the rental program. In 2010 the owners were warned about occupancy limits. The owners stopped renewing their rental permit for this property after the 2011/12 rental cycle. A letter sent in September of 2015 concerning renting without permit. In her response to the letter Mrs. Alexandrescu gave false statements that she was living there and that no one was renting. As a result of this statement and an occupancy check a search warrant was served on December 2, 2015. A citation for an occupancy violation and for renting without a permit was issued on December 9, 2015.

Occupancy Violation: In November of 2015 during the process of responding to citizen complaint I witnessed four cars parked at 209 Holden Dr. on several occasions. An occupancy check was performed by the City of Clemson Police department for 12 consecutive days. A search warrant was issued based on information from the occupancy check. The property has a maximum occupancy of two unrelated occupants as noted within Section 19-404, City of Clemson Zoning Ordinance. This occupancy is stated on the rental housing agreement between Mr. Alexandrescu and the City of Clemson. Upon serving the search warrant it was discovered that four people were residing at 209 Holden Drive. A copy of a lease for 209 Holden Dr. between Mrs. Alexandrescu and Robert Cook (the current tenant) was obtained.

Based on this evidence the owner was cited for an occupancy violation and a summons to appear in court was issued. The owner chose to plead guilty and pay the fine rather than go to court.

Just to recap

2010 Occupancy warning

2011 Stopped renewing rental permit

2015 False statements on renting, occupancy violation, and renting without permit

Recommendation: This is my first show cause hearing. To assist in my recommendation our office began by researching previous occupancy violations and show cause hearings and I corresponded with my supervisor. The research lead me to this:

Had the Alexandrescu's kept the property in the rental program and been forthcoming with information in September of 2015 I would recommend a probation period of one year. However the Alexandrescu's knowingly were renting 209 Holden Drive without a permit and knowingly were renting 209 Holden Drive in excess of two unrelated persons. This shows a total disregard to the City ordinance. Therefore, I recommend that the rental license for 209 Holden Drive be suspended for a period of 5 months. Starting the day after the end of the current lease. That lease ends on July 31, 2016.

The Alexandrescu's rented the property starting on August, 1 2015 till December 30, 2015 with two additional tenants at \$400 a person. This would equal \$4000 in unlawful income from this property. At the current rate for two people this would be equal to five months of lost income for the suspension. This recommendation is in keeping with the pattern of rental housing penalties recommended by the Zoning and Codes Administrator over the last decade, complies with the rules of the Rental Housing Ordinance, and is the same penalty Council has handed down at the last four revocation hearings.