

TO: HONORABLE MAYOR AND BOARD OF DIRECTORS
FROM: BRUCE T. MOORE, CITY MANAGER 
SUBJECT: MICHAEL HODGE – 2410 SOUTH HARRISON STREET
DATE: NOVEMBER 11, 2005

At the October 18, 2005, Board of Directors Meeting, staff was asked to continue to work with Mr. Michael Hodge to address the concerns he has regarding the condemnation of his home. Staff has outlined the below timeline of code and court action on Mr. Hodge's home, which is located at 2410 South Harrison.

- November 14, 2002: The property at 2410 South Harrison Street was inspected and declared unsafe. This property has never been condemned as Mr. Hodge claims. On this date, the structure had extensive electrical problems, with extension cords running throughout the home and only a few couple receptacles and light fixtures were operational in the home. There was exposed wiring in the kitchen and the only source of proper heat in the home was an un-vented space heater in the kitchen. The kitchen was completely non-functional, with the sink, cabinets and counter removed. Mr. Hodges insisted that he be cited at this time so he could take the codes issues up with in Environmental Court with Judge Stewart. This is typically beyond codes procedure in that codes staff wanted to give Mr. Hodge the full thirty (30) days to repair or comply with the life safety violations.
- January 16, 2003: Mr. Hodge pled not guilty, and a trial date was set for January 30, 2003.
- January 30, 2003: The trial was passed to February 20, 2003, in an effort to give Mr. Hodge the full thirty (30) days to repair the structure or vacate.
- February 20, 2003: Mr. Hodge was found guilty at trial in Environmental Court, and Judge Stewart asked that all Building Code Officials make inspection of the structure to determine if they concurred with Code Enforcement Staff regarding the unsafe conditions at the structure. Building Code Officials provided a written corrections notice so that Mr. Hodge would be aware of the work that needed to be completed to satisfy building code requirements. It is important to note that Mr. Hodge had to not only meet building code requirements, he also had to meet housing code requirements to bring the structure up to code. Judge Stewart gave Mr. Hodge the

opportunity to have the electrical and plumbing work done by licensed contractors with proper permits and inspections by April 3, 2005, in lieu of vacating the structure.

- April 3, 2003: On this date, Mr. Hodge still did not have the plumbing and electrical repairs or inspections completed and was ordered to vacate the structure by April 10, 2003. On April 10, 2003, Mr. Hodge advised Judge Stewart that he had not vacated the structure nor did he have the plumbing and electrical repairs completed. Mr. Hodge explained that he did not understand the permit or inspection process although this had been explained to him numerous times by Code Enforcement Staff, Building Code Officials and Judge Stewart. Mr. Hodge was fined and committed to jail when he could not pay the fine.
- April 10, 2003: Mr. Hodge purchased a building permit with a valuation of \$32,500 in repairs.
- April 17, 2005: Mr. Hodge again appeared in court and advised that appropriate repairs had not been made due to the fact that he was serving his commitment on the weekend in the Pulaski County Regional Detention Facility.
- April 18, 2003: At the request of Mr. Hodge, Code Enforcement Staff and one of the City's electrical inspectors met with Mr. Hodge to discuss the violations on the report. The electrical inspector asked Mr. Hodge if he had hired a licensed electrician and obtained an electrical permit, and Mr. Hodge replied that he had not. The electrical inspector advised Mr. Hodge that the current electrical situation in the structure was a fire hazard and unsafe. As of April 18, 2003, there were no other required permits for electrical, plumbing or mechanical work that was required. Utilities to the home were removed due to the continued unsafe conditions at the property.
- April 21, 2003: Staff met again with Mr. Hodge at the structure to explain steps needed to bring the property into compliance.
- April 23, 2003: The exposed wiring in the attic was placed in junction boxes and passed inspection. At that time, no other electrical work had been completed or inspected, and no mechanical work or plumbing work had been completed as required.
- April 23, 2003 – May 18, 2003: No further work was done or permits obtained.
- June 12, 2003: Mr. Hodge appealed his case to Circuit Court, and a hearing date was set for July 21, 2003.
- July 21, 2003: Mr. Hodge did not make an appearance at the Circuit Court hearing; the case was dismissed by Judge Barry Sims and was remanded back to Little Rock District Environmental Court.
- September 11, 2003: Mr. Hodge was cited for Failure to Complete Repairs of an Unsafe Structure. This was his second citation.
- September 18, 2003: A plea date was set for Mr. Hodge. He pled not guilty and an October 2, 2003, trial date set.

- October 2, 2003: Mr. Hodge was found guilty by Judge Stewart, and Mr. Hodge was to report back to the court November 13, 2003, on action taken on the home.
- October 6, 2003: Mr. Hodge was allowed to purchase a homeowner plumbing permit, and on November 13, 2003, the plumbing work passed rough inspection and would be finalized when water was available to test the pipes for leaks.
- November 10, 2003: Mr. Hodge requested, and staff complied, that another Code Inspector be assigned to his case. The new inspector found that only minor progress had been made toward compliance.
- November 13, 2003: In Environmental Court, staff reported that little progress had been made. Mr. Hodge was instructed by Judge Stewart to proceed with repairs to meet full code, and December 4, 2004, was scheduled to be the next report date on progress made.
- November 26, 2003: Mr. Hodge appeared early in Environmental Court and advised that he would like to appeal his case to Circuit Court. Judge Stewart set an appeal bond and a date of January 8, 2004, to appeal his case.
- January 27, 2004: Mr. Hodge, the City Manager and other City Staff conducted a site visit to discuss Mr. Hodge's concerns that the report conducted was not accurate and that his property was not unsafe for occupancy.
- January 28, 2004: Staff met again with Mr. Hodge and inspected the structure, room by room, with the original inspection report to insure the reports accuracy. In reviewing the report, staff found some minor inaccuracies but not to the extent that would support Mr. Hodge's contention that the findings were incorrect and the residence should not have been declared unsafe for occupancy.
- May 10, 2004: Mr. Hodges appeared at trial in Circuit Court. Judge Humphrey dismissed the case/charge of Failure to Complete Repairs of an Unsafe Structure. It is important to note that although the case was dismissed by the court, it was staff's opinion that the home at the time was still considered unsafe for occupancy and posed potential risks not only to the occupant, but to neighboring property as well. A few of the life safety violations that still existed included, but not limited to: final plumbing had yet to be approved; gas line inspections had yet to be finalized; there was still not an adequate heating source; additional electrical work was required including repairing exposed and damaged wiring and damaged electrical receptacles.
- August 2004: In an effort to assist Mr. Hodge in addressing the life safety issues, the City provided enhancement grant funds in the amount of \$854.69 for plumbing repairs and \$1,900 in structural repairs to help get Mr. Hodge into his home.

When Mr. Hodge appeared before the Board at the October 18, 2005, he expressed the following three (3) concerns:

- 1) The amount of enhancement money used to help bring his home up to code:
Staff has two (2) receipts for work performed to help bring Mr. Hodges home into compliance. The first receipt was for general plumbing work in the amount of \$854.69, and the second receipt included a bill in the amount of \$1,900 for structural repairs. Andre Bernard, Housing and Neighborhood Programs Director shared this information with Mr. Hodge in a letter dated March 7, 2005; therefore, staff is not sure what Mr. Hodges contention is regarding these grant dollars.
- 2) Denial to take his case to the Housing Board of Adjustment and Appeals:
In a letter dated June 6, 2003, Tony Bozynski, Housing and Neighborhood Programs Director, explained to Mr. Hodge that the proper appeal of a conviction in his case was to the Circuit Court System.
- 3) The Circuit Court dismissal and staff conduct in the handling of his case:
As outlined earlier in this memorandum, Circuit Court Judge Humphrey Court dismissed the charge of Failure to Complete Repairs of an Unsafe Structure. Although this charge was dismissed, it is staff's contention that the structure was in such a state of disrepair that it posed a health and safety threat not only to the occupant, but to the surrounding community. Dismissal for Failure to Complete Repairs does not indicate that the structure suddenly becomes safe to occupy. It was staff's only concern to protect the health and safety of the home-owner and neighbors.

On two (2) occasions, Andre Bernard, Housing and Neighborhood Programs Director, interviewed staff regarding code action taken at 2410 South Harrison Street. Mr. Bernard concluded that staff acted appropriately while responding to the complaint, and in both cases, Mr. Bernard responded by letter on December 1, 2005, and August 11, 2005.

It is my opinion that staff has gone above and beyond assisting Mr. Hodge to return to his home. These activities included numerous site visits to the property to review inspection reports, identifying needed repairs, assisting in the building code permit process and providing grant funding to meet code requirements.

If additional information is needed, please advise.