



SHAKER HEIGHTS

**Neighborhood Revitalization & Development Committee Agenda
City Hall Council Chambers
Wednesday, January 9, 2019, 6:00 PM**

1. Approval Of Minutes Of November 14, 2018 Meeting

Documents:

[NRD MINUTES 11-14-18.PDF](#)

2. Proposed Contract With ESOP To Provide Financial Capability And Housing Stability Services To Seniors

Documents:

[PROPOSED CONTRACT WITH ESOP.PDF](#)

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SHAKER HEIGHTS

**Neighborhood Revitalization and Development Committee Minutes
Wednesday, November 14, 2018**

6 P.M.

Stephanie Tubbs Jones Community Building

Members Present: Anne E. Williams, Chair
Nancy R. Moore, Council Member
Alex Dykema, Citizen Member
Danielle Sydnor, Citizen Member
Carter Strang, Citizen Member
David E. Weiss, Mayor
Jeri Chaikin, Chief Administrative Officer
Joyce Braverman, Director of Planning
William Gruber, Director of Law

Others Present: Dan Feinstein, Senior Planner
Eileen Anderson, LWV Observer

The meeting was called to order by Anne E. Williams, Chair at 6:00pm.

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Approval of the October 10, 2018 Meeting Minutes

Anne E. Williams reviewed. Motion to accept the minutes were made, seconded and approved.

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Discussion of Options and Recommendations for the Regulation of In-Home Day Care

The issue of in-home day care operations has come to the forefront this year due to controversy surrounding two in-home day cares in the City. The Mayor and City Council have asked that staff look at the City’s regulations concerning in-home day cares and explore possible changes in the City’s ordinances. In addition, the Council has referred the matter to the City Planning Commission and the Neighborhood Revitalization and Development Committee for discussion.

In-home day cares are regulated under the City’s Zoning Code. The day care regulations have been in effect since 1995. The Planning Commission is to review the

issue and options at its meeting on November 13th. The results of that meeting will be reported to the Neighborhood Revitalization and Development Committee at the November 14th meeting.

There are two types of day cares that may operate within homes in the City. Certain types of in home day cares are subject to State regulation as well. The two types of in-home day care operations are as follows:

Type A – Day Care Home

- A day care with 7-12 children at one time in an owner's primary residence.
- Type As are permitted only as conditional uses in Single Family zoning districts, requiring Planning Commission and Council approval.
- Must have a license from the State.

Type B – Day Care Home

- A day care with 1-6 children at one time in an owner's primary residence.
- Type Bs are a permitted accessory use in Single and 2-Family zoning districts, and a conditional use in multi-family and apartment districts.
- No license or registration is required by the State or City.
- Only Type B day cares in multi-family and apartment districts require Planning Commission and Council approval.

In-home day cares are regulated separately from Home Occupations under the City's ordinances, and are not subject to the Home Occupation regulations.

Both **Type A** and **Type B** in-home day cares must comply with the requirements listed in the City's ordinances---which include the following:

- Operator must live there
- Must be at least 500 feet from another in home day care on the same street or nearest intersecting street.
- Can't have another day care adjacent to it.
- Can't operate between 8:30 p.m. and 6:30 a.m.
- Are subject to annual inspection by Housing, Health, and Fire Prevention.
- Any outdoor play area must be fully enclosed by a fence, wall, or hedge of at least 3 feet in height.

Type A Home Day Cares

Ohio law permits the City to regulate or even prohibit **Type A** home day cares. There are a number of cities which explicitly or effectively prohibit Type A day cares, including Beachwood, Cleveland Heights, Lakewood, University Heights and Columbus. There are also communities that regulate, but do not appear to bar Type A day cares, such as Euclid, Cleveland, Maple Heights, Parma and Richmond Heights.

The City's Zoning Code currently allows **Type A** day cares as a permitted conditional use in residential areas, which requires an application to and approval for a Conditional Use Permit from the Planning Commission, with City Council confirmation.

Conditional Use Permits are those uses that have special impact or uniqueness that require careful review as to location, design, configuration and special impact. Section 1213.05 sets out standards and criteria upon which to evaluate Conditional Use Permits:

- Land Use Policy. The proposed use will be in keeping with the land use policies established by Council.
- Ordinance Purposes. The proposed use will be in harmony with the purposes for which the Zoning Code was enacted and for which the regulations of the district in question were established.
- No Nuisance. The proposed use will not create any public nuisance by reason of noise, smoke, odors, vibrations, objectionable lights or congestion of traffic.
- No Undue Adverse Impact. The proposed use will not have a substantial or undue adverse impact upon adjacent property, the character of the neighborhood or area, or the public peace, health, safety, and general welfare.
- No Interference with Surrounding Development. The proposed use will be constructed, arranged, and operated so as not to excessively interfere with the use and development of neighboring property in accordance with the applicable district regulations.
- No Traffic Congestion. The proposed use will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

In deciding whether to grant a conditional use permit for a Type A day care, the City has discretion to approve or deny the permit, though that discretion is not absolute. For example, the conditional use permit may not be denied merely because the proposed use is no longer desired. Where a denial is based on a basis such as this, the decision amounts to a rezoning without legislative action. Generally, the City's decision on whether to grant a conditional use permit must be reasonable and supported by the preponderance of the substantial, reliable and probative evidence on the whole record.

If a Conditional Use Permit is approved, it may be approved with conditions, which may be imposed by the City Planning Commission or Council.

The Planning Commission approved a conditional use permit for a **Type A** Day Care on Aberdeen Road on September 6, 2018, and City Council confirmed the approval on October 22nd, with conditions. That was the first and only Type A day care ever approved in the City.

On October 9th, City Council enacted a moratorium to prohibit the City from accepting applications for approval of **Type A** Day Care Homes for 90 days (i.e. until about January 7, 2019).

Type B Home Day Cares

The City is not allowed to prohibit **Type B** day cares in residential zoning districts under State law. The City can regulate Type B day cares, as long as the regulations are reasonable and do not effectively ban them. There are a number of Type B day cares in

the City, but the City does not have an exact number, because they are not required to register with the City.

In summary:

- Although the City currently regulates Type A and Type B home day cares, the City could consider additional or modified regulations of such operations.
- The City could consider prohibiting Type A homes from certain or all zoning districts, and/or adding regulations.
- The City may not prohibit Type B day cares in residential areas of the City, but the City can consider additional regulations, such as requiring the registration of all Type B day cares. This regulation could be applied retroactively to all Type B homes.

Potential Additional Regulations of In-Home Day Cares:

As to **Type A** in-home day cares the City has several options, including either adding regulations and/or prohibiting Type As from some or all zoning Districts.:

- Prohibit Type As:
 - In single family zoning districts with the smallest property size -SF 3 (5,600 sq. ft. lots)
 - In the single family zoning districts with the two smallest sizes - SF3 and SF2 (8,500 sq. ft. lots)
 - Prohibit in the City completely
- Additional regulations if they continue to be permitted in the City:
 - Require proven track record
 - Increased distance requirement (now 500 feet)
 - Limit # of children on weekends to 6
 - Require 6 ft. opaque fence in the rear yard
 - Require pick up and drop off to be done in the driveway, not the street
 - Limit hours on weekends
 - Limit hours outdoors (e.g. 9:00 a.m. -7:00 p.m.)
 - Section 1262.04 E. Inspections - Remove Health Dept. from inspections, and change from annual inspections to whatever the Department determines is necessary.
 - Section 1262.04 F Licensing – remove “with the Zoning Administrator” and require a copy of State license on site.

As to **Type B** in-home day cares the City has several options for additional regulations:

- Require a one-time registration, or registration annually or bi-annually, and inspection
- Require pick up and drop off to be done in the driveway, not the street
- Limit hours outdoors

- Section 1262.04 E. Inspections - Remove Health Dept. from inspections, and change from annual inspections to whatever the Department determines is necessary.
- Section 1262.04 F Licensing – remove “with the Zoning Administrator” and require a copy of State license on site.

The Committee is asked to make recommendations to the City Planning Commission and City Council as to whether the City should regulate in-home day cares differently than currently, and if so, what regulations should be added and/or modified. Any change to the Zoning Code would have to be first reviewed by the Planning Commission, and then be approved by City Council after three readings and a public hearing.

Chairperson Anne Williams indicated that it is important to hear the details of the Home Day Care.

NOTE FROM TRANSCRIBER: At this point, the recording stopped. Joyce Braverman and Bill Gruber provided the following information after the meeting:

After the presentation, a discussion ensued. Members of the Committee expressed support for the need for affordable day care options in the City. Some members stated that they support allowing Type A day cares in the City, but with additional regulations. The Committee generally agreed with the staff’s recommendations on additional regulations, including the following for Type A day cares:

- Require a proven track record;
- Increased the distance requirement (now 500 feet);
- Limiting the number of children on weekends to 6;
 - Require 6 ft. opaque fence in the rear yard;
 - Require pick up and drop off to be done in the driveway, not the street;
 - Limit hours on weekends;
 - Limit hours outdoors (e.g. 9:00 a.m. -7:00 p.m.);
 - Section 1262.04 E. Inspections - Remove Health Dept. from inspections, and change from annual inspections to whatever the Department determines is necessary; and
 - Section 1262.04 F Licensing – remove “with the Zoning Administrator” and require a copy of State license on site.

As to Type B in-home day cares the Committee generally agreed with the following additional regulations:

- Require a one-time registration, or registration annually or bi-annually, and inspection.
- Require pick up and drop off to be done in the driveway, not the street.
- Limit hours outdoors
- Section 1262.04 E. Inspections - Remove Health Dept. from inspections, and change from annual inspections to whatever the Department determines is necessary.

- Section 1262.04 F Licensing – remove “with the Zoning Administrator” and require a copy of State license on site.

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There being no further business, the meeting was adjourned. The next meeting will be January 9, 2019.



Anne E. Williams, Chair
Neighborhood Revitalization Committee



SHAKER HEIGHTS

MEMORANDUM

TO: Members of Neighborhood Revitalization & Development Committee

FROM: Kamla Lewis, Director of Neighborhood Revitalization

C.C. Mayor David E. Weiss
Chief Administrative Officer, Jeri E. Chaikin

DATE: January 23, 2019

RE: **Contract to Provide Financial Capability and Housing Stability Services to Shaker Seniors**

The City is recommending entering into an 11 month contract, in the amount of \$25,000, with the non-profit agency, ESOP (Empowering and Strengthening Ohio's People) as a pilot program to provide financial capability and housing stability services to Shaker's seniors, to better enable our seniors to age in place with greater economic stability.

Background

Seniors (55 and older) in Shaker comprise 29.4% of the population (2010 census), and the City provides a range of services and programs specifically aimed at this segment of the population. The Recreation Department provides recreation and transportation programs and contracts with a part time social worker to respond to requests for information and referral from seniors. The Economic Development Department provides grants to seniors to help with home repairs and accessibility.

However, often as the City works with our seniors around issues of housing maintenance and tax delinquency, it has been evident that their needs require a range of services that exceed our staff capacity to address them. These include tax and mortgage delinquency, financial capability, hoarding, and caregiving needs. Nationally, 32% of people aged 53-62 have \$0 saved for retirement. 30% of seniors experience a \$0 or negative budget every month after paying for their basic needs.

- Shaker residents on homestead exemption (a proxy for seniors) represented 33% of tax delinquent properties in Shaker in November 2018, and 36% of the total tax delinquency. Without assistance, these seniors are in danger of losing their homes.
- Seniors historically represent approx. 85% of the Housing Specialist's caseload.
- Based on the types of situations they encounter working with seniors, the Building/Housing, Recreation, Law and Police Departments, all of which have



SHAKER HEIGHTS

frequent interaction with seniors, support the addition of the services offered by ESOP to our seniors.

As examples, ESOP staff would be available to assist seniors who receive housing violations create budgets, and connect with benefit programs which can provide financial assistance. For seniors facing crises related to high credit card debt and payday loans, ESOP will negotiate with creditors to create fair and affordable repayment plans and work with their partners at Hebrew Free Loan Association (HFLA) to seek interest free loans to get out of payday loans and or pay down high interest credit card debt. They provide specific property tax counseling services, including operating their own unique Senior Property Tax Loan Program.

ESOP's background

ESOP helps people in all stages of life achieve and maintain financial wellness and housing stability. The organization was founded in 1993. In its early days as the East Side Organizing Project, ESOP used community activism to combat predatory lending and other disreputable financial practices. As the organization evolved into Empowering and Strengthening Ohio's People, ESOP shifted focus to provide individuals with the knowledge and tools they needed to ensure their financial wellness and housing stability. In its 25 year history, ESOP has helped more than 42,000 homeowners across Ohio save their homes from foreclosure.

In recent years, ESOP developed the Senior Financial Empowerment Initiative, an integrated suite of financial capability services for older adults and their caregivers. The commitment to helping older adults and their caregivers achieve financial wellness and housing stability was enhanced in 2017, when ESOP became a subsidiary of Benjamin Rose Institute on Aging, a 110-year-old nonprofit organization whose mission is to advance support for older adults and their caregivers. ESOP's clients all have full access to an array of services and supports for older adults and their caregivers from the Benjamin Rose Institute on Aging. In addition to one on one counseling, ESOP offers 15 financial capability workshops and homebuyer education workshops.

ESOP Program Outcomes

73% of the clients ESOP serves are African American women over the age of 65. Most rely exclusively on Social Security, are deep in debt, and, on average, have a fixed income of \$12,131.

- Even on this meager income, through one-on-one coaching and counseling, ESOP has helped their clients increase their credit score by an average of 27 points, decrease their debt by an average of 20% or \$2,415, decrease their monthly expenses on average by 22% or \$218, and still manage to save \$244.
- Clients who participated in their matched savings program established an average emergency savings of \$1,092. These are life-changing numbers for seniors who live at this level of income.



SHAKER HEIGHTS

- ESOP has assisted 529 seniors avoid property tax foreclosure, and have saved 1,663 clients a total of \$785,571 by accessing benefits.

Proposed Contract with ESOP

- ESOP would provide up to 68 hours per month of one on one financial counseling and housing counseling services, at the Shaker Heights Community Building. Specific office hours will be determined on a monthly basis in consultation with the City, but appointments will be encouraged, and office hours adjusted accordingly. Clients could also receive services at ESOP's offices located at 11890 Fairhill Road, if they so choose. If the City chooses to have ESOP offer any of their workshops, these hours would count towards the 68 hours per month.
- Services provided would include:
 - **Financial Counseling and Coaching:** One-on-one sessions are available by appointment to help people develop budgets and better manage their finances.
 - **Foreclosure Prevention Counseling:** ESOP will negotiate with lenders to help people obtain affordable loan modifications to save their homes from foreclosure.
 - **Property Tax Counseling:** ESOP helps people resolve their property tax delinquency through a payment plan directly with Cuyahoga County or through their own Senior Property Tax Loan Program (SPTLP).
 - **Senior Property Tax Loans:** Affordable loans and counseling to help eligible homeowners pay delinquent property taxes and avoid foreclosure.
 - **Matched Savings Accounts:** Eligible clients can earn a dollar-for-dollar match up to \$500 if they engage in financial coaching for a year.
 - **Accessibility Modification Grants and Loans:** help people get the funds they need to make their homes safer so they can age in place.
 - **Benefits Assessment and Enrollment:** assists clients in understanding and applying for local, state and federal benefits.
 - **Transitional Counseling:** Stewarding older adults through downsizing and/or successfully transitioning to assisted living facilities.
 - **Vision Screening and Eyeglass Vouchers:** Free screenings and glasses for eligible consumers to ensure they can properly see and monitor financial statements.
 - **Volunteer Income Tax Assistance (VITA):** free income tax preparation for adults with low to moderate income.
 - **Pre-purchase Counseling:** work to ensure that individuals are financially ready for homeownership.
 - **Homebuyer Education Workshops:** Individuals learn the important basics of the home-buying process and gain the knowledge and skills needed to secure an affordable mortgage.



SHAKER HEIGHTS

- **Post-purchase Counseling:** Gain the tools and knowledge needed to be a successful long-term homeowner prepared for financial emergencies and necessary home repairs.
- **Group Financial Education Workshops:** Workshops provide valuable information on topics ranging from budgeting and goal setting to understanding credit and debt, avoiding financial exploitation, spending choices, and the importance of savings.
- The contract would cover the period February through December 2019.
- The City would provide free office space in the Community Building for meeting with clients and assist in marketing ESOP services through existing channels, including our website, magazine and fliers, as well as referrals from departments.
- ESOP would provide the City with non-confidential information about program usage and outcomes, including demographics, income level, debt reduction, savings, monthly expense reduction and credit improvement.

Recommendation

Staff is requesting that the Neighborhood Revitalization & Development Committee recommend to Council entering into a professional services contract with ESOP in the amount of \$25,000 for 2019 to provide Shaker seniors with services to achieve and maintain financial wellness and housing stability.