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# Memo

City Clerk's Office

**TO:** Mayor and City Council  
**FROM:** Bob Kindred *BK*  
**DATE:** February 21, 2003  
**SUBJECT:** Rental Housing Code Changes

Please remember to bring the Rental Housing Advisory Committee Report to the meeting on Tuesday.

Attached is a summary of the comments received at the public input session held on November 12, 2008, and any comments that were emailed or sent to us to today's date.

Thank you!

/drv

Attachments

PROPOSED RENTAL HOUSING CODE CHANGES  
REPORT TO COUNCIL  
REGARDING PUBLIC INPUT SESSION CONDUCTED ON NOVEMBER 12, 2008

Approximately 60 citizens attended and 10 City staff. The public input session lasted the full three hours. Staff believes all interested parties had an opportunity to express their opinions. The vast majority of participants were rental property owners. The facilitator introduced an overview of the committee review process, welcomed the participants, and provided a review of the three previously held public meetings and twenty-three sessions of the Rental Housing Advisory Committee (RHAC) conducted over the previous six months. The RHAC members briefly stated how each of their varying perspectives had been melded into the overall package of recommendations; and staff then gave an overview of the recommendations.

Overall, the general tone of the public input session was very cooperative, with several requests for clarifications and process improvements brought forward. Members of the RHAC expressed their support for the alternatives to move forward for Council consideration. The input from citizens during this meeting is attached in table form. Committee members and staff believe several ideas brought forward can be integrated into future proposed ordinances.

Persons who entered the public input session after the facilitator's comments may have missed an integral part of the RHAC's proposal. That being, the proposed alternatives are part of a process that includes a new appeals board, acknowledging pre-existing conditions, defined items that are "noted versus cited" in the inspection process, and providing adequate times for the completion of cited code violations. During next week's Council round table, it may be necessary to reiterate that this process will help alleviate some concerns about specific language or inspectors who are over zealous in their enforcement efforts.

A significant hurdle which still faces the Council is the desire of RHAC members to implement 32 of the proposed alternatives for all residential housing units, both rentals and owner-occupied. In the opinion of rental property owners, besides being a matter of fairness, this action is perceived by many RHAC members as necessary to protect neighborhoods and stop the deterioration of housing stock in our community.

During the public input session, slides were available that identified the level or problems inspectors find in the field. When presented, these slides seemed to lessen concerns regarding “nitpicking” by inspectors. The Council may want to consider, in next week’s round table, asking staff to present slides that exemplify the problems under discussion.

As is typical for work sessions and round tables, Council is not being asked to make any decisions at this meeting. Issues and input from both Council and other citizens may lead to modifications of the recommendations now presented by the RHAC. Ultimately, Council can then choose from among several decisions:

1. Proceed with rental housing changes and a residential property maintenance ordinance simultaneously by modifying Chapter 13 and adding an additional chapter to the Municipal Code dealing with residential property maintenance
2. Proceed with rental housing ordinance changes only
3. Proceed with rental housing changes first by modifying chapter 13; then initiating public engagement and making a decision on residential property maintenance standards at a later date
4. Not to proceed with rental housing ordinance changes

NOVEMBER 12, 2008  
3:30 – 6:30  
COUNCIL CHAMBERS  
PUBLIC FORUM – RENTAL HOUSING ADVISORY COMMITTEE

Bob Kindred welcomed the group, shared goals of today’s meeting and introductions.  
RHAC members introduced themselves and described group process to reach consensus.  
Clint Petersen, shared “Big 4” issues and overall background on recommendations.  
Keith Denner comment – Informal evolution of code sections. Goal should be to get rid of surprises and inconsistencies. This public process should be repeated every time a code changes so that it doesn’t automatically go retroactive.  
RHAC and other staff members responded to questions throughout the course of the meeting.

	General Comment	Jay Avaleno	Inclusive or exclusive document with Chapter 13 – compare proposed new code language vs current Chapter 13 language
23 -5a	Dwelling Unit Height	Russ McCullough	Points out existing language of this section doesn’t apply to multi-family dwellings, only 1 and 2 family – add clarity.
3	Electrical Work	David Keller	Are you allowed to put in a ceiling fan in place of an existing fixture? What exactly can you do?
3	Electrical Work	Lad Grove	Questions changing fuseholders to Type S – is this required by an electrician and permit needed?
3	Electrical work	Tobit Bowles	Question need for Type S fuses
5,15, 25	Screens, Window Maintenance, Natural Ventilation	David Keller	Questioning the need for screens on every window – does every window need to be openable/operable
5, 15,25	Screens, Window Maintenance, Natural Ventilation	Jay Avaleno	Example of six windows in a room, can just one be operable and have a screen to give ventilation?
5, 15, 25	Screens, window Maintenance, Natural Ventilation	David Keller	Do you need to have them on all?
23 – 5c	Dwelling Unit Height and Area Requirement	Russ McCullough	Going through one bedroom to get to another – feels this isn’t a safety issue – and this would preclude many rooms to not be used as bedrooms – felt this language should be “relaxed”
71 – 4	Egress Windows (below grade)		Questioned below-grade egress windows, what does the 2006 code say? – noting nothing has changed in reference to the requirement of code compliant windows in below-grade bedrooms.
1	Building Numbering	Lad Grove	Weighing dollar cost vs safety standpoint. Looked around and found more house numbers are 3” – doesn’t feel it’s worth the money. His costs for this alone would be \$36/unit x 17 units = \$612 just for house number changes
18	Smoke Detectors in Sleeping Rooms	Lad Grove	Adding a smoke detector in each sleeping room – doesn’t feel it necessary to have so many smoke detectors. He would have to buy 82 additional smoke detectors @ \$7/ea - \$574.
21	Portable Fire Extinguishers	Lad Grove	Quoted prices for a 1A10BC fire extinguisher @ \$10
18	Smoke Detectors	Ellen Arkovich	Felt \$7 was a low cost for smoke detectors – should be \$10

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21	Portable Fire Extinguishers	Gordon Meyer	Questioned the new fire extinguisher requirement/maintenance of
21	Portable Fire Extinguisher	Tobit Bowles	Questioned the routine maintenance -
21	Comment	Jim Gunning	Described fire extinguisher maintenance testing of 1, 6 and 12 year intervals – Lowes and others should not sell 1A fire extinguishers
21	Portable fire Extinguisher	Jay Avaleno	Questioned timeframe of fire extinguisher replacement
42	Extermination	Kathryn Scott	Wanted a clarification as to extermination – what if it's not needed?
22	Property Maintenance Appeal Board	Gordon Meyer	Wanted clarification of term limits on board
29	Defacement of Property		Graffiti – can happen anywhere, should apply to all – how does this fit into rental property code?
18	Smoke Detectors in Sleeping Rooms	Ellen Arkovich	No timeframe stated – when does this go into affect?
20	Tall Grass and Weeds	Ellen Arkovich	Question involved public property – neighbors all chip in and maintain the circle – who maintains public right-of-way
18	Smoke Detectors	Jay Avaleno	Are smoke detectors needed within 10' of one another?
	General comments	Many	Examples shared more or less smoke detectors needed
	comment	David Keller	Requests, like electrical, identify what plumbing can be done by an owner – bring language into code
3	Electrical Work Which May Be done by Property Owner	Ellen Arkovich	Wanted “routine electrical maintenance” defined/ what can landlord do?
4	Maintenance of Detacted Garages, Sheds	Jim Gunning	Out buildings aren't always rented to tenants – isn't this a beautification, how does minimum health and safety apply? Define good repair.
5	Screens on Operable Windows	Jim Gunning	Some tenants don't want screens
6	Interior Door Hardware	Jim Gunning	Is a door required on a bedroom? Dictating privacy and ambiguous
8	GFCI Outlets – Kitchen & Bathrooms	Jim Gunning	Questioned whether electric code was 6' from a sink or as written here “serving countertop surfaces” - any countertop surface in a kitchen?
10	Exterior Stair Maintenance	Jim Gunning	Feels 3/8” is too stringent – wants a 1” difference in stair rise.
11	Interior Stair Maintenance	Jim Gunning	Feels 3/8” is too stringent – wants a 1” difference in stair rise.
12	Gutters	Jim Gunning	Does this mean we have to clean out gutters now?
14	Structural Members	Jim Gunning	“free from deterioration” – what does that mean? Definition of sound condition?
15	Window Maintenance	Jim Gunning	Window props – why isn't that acceptable?
17	Furnace and Chimney, Vent Safety Certification	Jim Gunning	This would be left to Inspector judgment? Doesn't like the additional record keeping of “sign-offs”
19	Emergency Access Key		Concerned about theft and vandalism – where should this box be located?

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17	Furnace and Chimney, Vent Safety Certification	Ellen Arkovich	CO detector – just a recommendation?
	Comment	Jim Gunning	Restated concerns on number of sign-offs, landlords have narrow profit margins now; will there be a fee for the appeal to the board?
20	Tall Grass and Weed Control	Jim Gunning	“trimming” – why should the inspector be involved with that? How does that fit into minimum standards?
22	Property Maintenance Appeal Board	Jim Gunning	Equal makeup of landlords and non-landlords
23	Dwelling Unit Height and Area Requirements	Jim Gunning	This affects mostly the older/conversion properties – “if you don’t like it go elsewhere”
26	Sidewalks and Driveways	Jim Gunning	No definition of “proper state of repairs”
29	Defacement of Property	Jim Gunning	How long should a landlord have to restore the surface?
30	Protective Treatment – Paint	Jim Gunning	How much peeling is too much. “oxidation stains” – that is a beautification issue/not a safety issue
37	Building Security	Jim Gunning	Double-key locks – shouldn’t be allowed to be sold in Ames
39	Interior Surfaces – Paint, Occupant and Owner Responsibilities	Jim Gunning	Same concerns as #78 (tenant and landlord responsibilities – interior cleanliness)
40	Disposal of Garbage & Waste	Jim Gunning	No loose material – should be contained in plastic bags or paper bags within the dumpster
41	Outdoor storage	Jim Gunning	What is the timeframe?
42	Extermination, single family Dwellings	Jim Gunning	Wants to know what we are exterminating –define
43	Extermination, Multiple Occupancy	Jim Gunning	Wants to know what we are exterminating –define
44	Plumbing – Dwelling Units, Required Fixtures	Jim Gunning	Sink with toilet – shouldn’t be every instance, just one
46	Privacy, Bathrooms and/or toilet rooms	Jim Gunning	Define “common”
49	Fixture Clearances	Jim Gunning	Define “adequate”
64	Furnace Replacement, Re-circulated Ventilation Air	Jim Gunning	No supporting evidence of problematic shared air
71	Egress Windows -	Jim Gunning	Applies to homeowners as well
77	Required Off-Street Parking	Jim Gunning	Definite “proper state of repair”
78	Tenant and Landlord	Jim Gunning	Redundant of item 39 – combine sections and state what can and can’t be done

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	Responsibilities, Interior Cleanliness		
4	Maintenance of Detached Garages, Sheds	Jay Avaleno	Doesn't feel garage doors are necessary because carports don't have them.
	General comment	Jay Avaleno	Wants sound decisions based off of engineering and fact – feels codes have been made for political reasons and if you can't find the documentation, leave out of code, i.e.: furnace shared air
4	Maintenance of Detached Garages, Sheds	e-mail Mark Kassis	Garage door not operable, uses as a storage facility, would this be allowed to continue? Suggested language: all exterior doors that provide access . . .
		Lad Grove	Light fixtures in closets – government imposed change that will eliminate sale of incandescent light bulbs.
It was stated to e-mail additional comments to either Clint Petersen or Diane Voss			



"Scott Nichols"  
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11/12/2008 05:46 PM

Please respond to  
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Subject New landlord rules

Dear council members

11-12-08

I am unable to attend the rental code response meeting today as I have a main street business that I must keep open. Yesterday I spent 5-6 hours reading the 51 page report. As a work in progress I see great potential but if you consider this an acceptable final product I believe you will be deeply disappointed by landlords and citizen response.

Rather than listing the 20-30 individual items I think need more work I will focus on 3 main areas of concern. These are costs, the process, and the appeal board.

1) Regarding costs I own only 9 units 3 duplexes and a three plex. All are located within 4 blocks of city hall in what I used to call the Roosevelt neighborhood. Nearly every one of the 70+ items is focused at older properties like mine built between 1900 and 1930. While going thru the code changes I found things that could cost me many thousands of dollars not including the indirect costs and hassles of multiple paperwork filings. Much of the potential costs are in things that will not improve the health or safety of the tenants in any appreciable way and will also not improve the rentability or value of the property. In other words you would be making me spend my hard earned money on things that accomplish nothing. One example of this is the requirement that I pave the entrance to the driveway. I estimate this as a \$1,000to \$2,000 cost. The reason I was given for doing this was that it was a compromise that kept me from having to spend \$10- \$20,000 to pave the entire drive and parking area. While I would rather have you stick me with the smaller expense sometimes a bad idea is just a bad idea and a compromise is stupid. A likely unintended consequence of this bill will be lower rental property values and lower tax revenue to the city. Unlike single family homes rental property values are mostly based on cash flows. Any time you decrease cash flow and increase hassles you make investing in rental properties less desirable and values will logically decrease.

2) Many of the items on the list were only agreed to by the landlords on the committee only if they were applied to all property owners. This is critical to my acceptance of the plan. If you don't abide by this you will be imposing standards that are higher on rental owners than our neighbors. I will feel that the purpose of the process was to pick on me and make me feel like a substandard citizen. I am not talking here about genuine and reasonable health and safety requirements. Many of the 78 items will have no effect on health or safety but are of an aesthetic nature. This process as it has happened so far is much better than having King brownie running the show but in some ways it reminds me of the sidewalk issue of a couple years ago. Since this has been publicized as the rental code update. The typical homeowner has paid no attention to it. They will not have a clue that a major change to their property rights has been thrust upon them by city council until they get a letter. As a citizen not a landlord



this seems dishonest. You should take off all items on the list that apply to all owners or you should publicize these items to all citizens in a different fashion so all citizens know what is happening to there property rights.

3) Regarding the appeal process this is the most important of all my concerns about the plan. There is still a lot of ambiguity and interpretation that is going to take place at the brownie level. I do not trust him to consider the best interest of the landlord or the city. He is only interested in being king and having control by every means he can. (I think he is most of the problem and should be fired, many landlords agree but are afraid to say it) Therefore the only way to FAIRLY sort out these problem areas will be through the appeal process. As proposed the landlord will stand little if any chance to win. The committee will likely be 5-2 against the landlord position. I say this because most tenants or neighborhood activists that are interested in serving will likely be predisposed against landlords otherwise why would they volunteer. A better balance would be 3 landlords 3 tenant neighborhood reps and a contractor. This appeal process must be free for the next 4 years or one complete inspection cycle so that all the interpretations can be worked through in an orderly and non burdensome manner. After that a reasonable charge could be appropriate.

I hope that all of you will consider this deal item by item as the committees work is a great start but not a good final product. With work this can lead to a good plan for all citizens but much more work needs to be done. Please don't rush it!

Scott Nichols

619 18<sup>th</sup>