

Staff Report

FRATERNITY AND SORORITY RENTAL HOUSING CODE INSPECTIONS

December 1, 2012

After assuming leadership of the Fire Department, Chief Bayouth has attempted to familiarize himself with all aspects of his department. This transition time provides an excellent opportunity to “audit” the services that are being provided and raise questions as to why we are doing things in a certain way. As a result of this review, **Shawn has discovered that rental housing inspections are not being performed for ISU Greek houses.** This finding is important because Section 13.301 (3) of the Ames Municipal Code specifies that rental housing inspections are required for fraternity and sorority occupancies every year.

The Chief has not been able to determine precisely when rental inspections ceased. **While rental inspections have not been performed, it should be emphasized that these occupancies have been subjected to comprehensive Fire Code inspections each year. In addition, when obvious violations of other codes (plumbing, electric, etc.) were identified, the Fire Inspector requested the respective inspector to intervene to correct these code issues.**

It also should be remembered that the Municipal Code was modified some time ago to require the installation of sprinkler systems in all Greek housing by 2016. As a result, approximately 30 out of the 40 houses have made a significant investment to provide this superior level of life safety. **If rental housing inspections are re-initiated, we might identify problems related to S traps, access windows, etc., that heretofore have not been brought to the attention of officers of the Greek houses.**

The extent of the full compliance with the Rental Housing Code for fraternities and sororities is not known at this time. Our Rental Housing Inspectors have accompanied our Fire Inspector on a few Greek housing inspections this fall and did not identify and significant violations. However, these findings might not be indicative of all Greek housing.

Re-initiate Rental Housing Inspections – Option 1

The obvious next step would be to instruct our staff to reinstitute the Rental Housing Code inspections for all Greek houses. This direction may or may not result in additional corrective actions required at a fraternity or sorority, depending on what is identified by an inspection. **Obviously, Greek representatives will be upset if they are confronted for the first time with costly modifications identified during their next Rental Housing Code inspection.**

The positive aspect of holding Greek houses responsible under the Rental Housing Code is that it gives the City inspectors the ability to deal with property maintenance related issues that might be received related to fraternities and sororities. You will recall that while we do not have an external property maintenance code for owner-occupied residential units, there are regulations that allow us to address these types of complaints for properties under the Rental Housing Code. **Therefore, eliminating Greek houses from the jurisdiction of the Rental Housing Code**

would diminish our ability to respond to property maintenance related complaints involving fraternities or sororities.

Exclude Sororities And Fraternities From The Rental Housing Code – Option 2

This situation does provide the City Council with an opportunity to pursue another course of action and exclude sororities and fraternities from the Rental Housing Code. The argument in support of rental housing inspections revolves around a belief that government should protect third parties (tenants) from property owners who are operating a housing related business.

It could be argued that Greek houses are different than rental units. The inhabitants of fraternities and sororities are members of the organization that operates their housing. In fact, they participate in the management of these facilities and, therefore, can make sure that their own safety is protected. **Therefore, a case can be made that Greek housing should be added to the list of uses that are exempt from our Rental Housing Code (hotels, motels, university housing, state-licensed health and custodial facilities, owner-occupied single family housing dwellings, and other residential occupancies specifically regulated by state and federal authority).**

Assuming the City Council would like to know how other cities are dealing with inspection for Greek housing, staff completed the attached survey. These responses indicate that only two of the thirteen college communities surveyed perform rental inspections for Greek housing.

In addition, because the Greek Affairs Office at Iowa State University has substantial influence over the off-campus sororities and fraternities, it is staff's belief that we will be able to influence corrective actions for any exterior maintenance complaints received on these properties, even if they are exempted from the Rental Housing Code.

Staff Comments

The Inspection staff would benefit from Council direction regarding this situation, either in support of Option 1 or Option 2. Given how the current Rental Code is written, it is currently required that our inspectors enforce all aspects of the Rental Housing Code during inspections of fraternities and sororities.

If Option 2 is pursued, it would be advisable to maintain a \$100 inspection fee. The amount of time spent inspecting for the International Fire Code would justify this fee. The only question would be whether to credit this revenue to the General Fund or continue to use it to support the Rental Housing Inspection program. It should be noted that all other businesses in the City are not charged a fee for this type of fire safety inspection.

2012 Greek Housing Survey

School	Town	University Enrollment	Number of Frat/Sor	Do you Inspect Greek Housing	Is There a Rental Program?	Who Inspects: Fire	Who Inspects: Rental	Fee
Iowa State U	Ames, Iowa (59,042)	31,040	40	?	X	X		?
Baylor	Waco, TX (126,697)	15,195				No Greek Housing		
U. of Kansas	Lawrence, KS (88,727)	30,004	30	X	X	X		
Kansas State U	Manhattan, KS (52,281)	23,588	20	X		X		
U of Oklahoma	Norman, OK (113,273)	29,721	28	X		X*		X
Oklahoma State U	Stillwater, Ok (46,048)	23,307	28	X		X		
Texas Christian U	Fort Worth, TX (758,738)	9,142	23	X		X		X
Texas Tech U	Lubbock, TX (233,740)	32,327			Has 25 houses inspected, but none are lived in			
West Virginia U	Morgantown, WV (30,293)	29,306	22	X	X	X		
U of Iowa	Iowa City, IA (68,947)	30,893		X	X		X	X
UNI	Cedar Falls, IA (39,387)	12,273	7	X	X	X		
U of Colorado	Boulder, CO (100,160)	30,128	30	X	X	X		
U of Missouri	Columbia, MO (110,438)	34,255	52	X	X	X		
U of Nebraska	Lincoln, NE (225,581)	24,100	40	X	X	X*		X

X* = Fire Inspector Inspects with a Code Enforcer