

Staff Report

AMES RENTAL ASSOCIATION - RENTAL HOUSING CODE CONCERNS

May 13, 2014

The City Council received a letter from the Ames Rental Association (ARA), dated July 30, 2013. In that letter, the ARA asked that City staff review Ames *Municipal Code* Chapter 13 Rental Housing Code regarding a number of specific issues. At the regular meeting on August 13, 2013, the City Council approved the following motion:

Directed staff to meet with representatives of the Ames Rental Association to determine where the issues are and report back to the Council via a memo.

On September 5, 2013, City staff had the opportunity to discuss with representatives of the ARA Chapter 13 of the Municipal Code that deals with Rental Housing. A list was created that included six items to be discussed. City staff presented the six ARA items to the City Council on October 22, 2013. At that meeting, the City Council approved the following motion:

Referred the Ames Rental Association's list of concerns back to staff to review each of the six items and to get clarification, or recommendations for changes that clarify, on each of the six Rental Housing Code Concerns.

The following is the list of the original six ARA concerns with information on each item.

1. EGRESS WINDOWS:

ARA Concern: The ARA would like to require Code compliant egress windows in a bedroom, but not require an egress window where there is not a bedroom.

Staff Comment: The International Residential Code (IRC) currently requires egress windows in basements no matter if there is a bedroom or not, so Ames *Municipal Code* Chapter 13, Rental Housing Code, as it is currently written, is consistent with the 2012 IRC by requiring an egress window, even without a bedroom.

The Rental Housing Code states that all habitable spaces are required to have an egress window. Habitable space is defined in Ames *Municipal Code* Section 13.201 and included below:

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Below grade habitable space has been challenging to enforce through rental inspections due to the wide variety of basement finishes that are inspected. Inspectors frequently encounter basements that are not fully finished, however the tenant has, for example, a television and a couch in the space. In this example, the space would comply with the definition of habitable space and would require a Code compliant egress window.

Code Section: The following are excerpts from the Rental Housing Code, requiring egress windows:

13.403(1)(a):

(a) Inadequate second exit capability. All below grade habitable spaces must have two means of egress leading to the outside. When one of the required means of egress is a window, it must comply with the 2006 International Residential Code. Pre-existing below grade and basement windows and window wells must be brought into compliance with the 2006 International Residential Code by no later than December 31, 2010.

13.801(3)(d):

(d) Below grade egress windows.

(i) Below grade and basement windows must comply with the 2006 International Residential Code.

(ii) Pre-existing below grade and basement windows and window wells must be brought into compliance with the 2006 International Residential Code, in regard to window opening and window well dimensions, by no later than December 31, 2010.

(iii) Pre-existing below grade and basement windows that are compliant in all regards, except window sill height above the floor shall, upon owner request, be reviewed on an individual case basis by the Building Official.

2. PROTECTIVE TREATMENT - PAINTS:

ARA Concern: The ARA does not believe a clear description exists in Chapter 13, Rental Housing Code that would tell a property owner definitively when repainting is required. Further, the ARA feels that painting is an aesthetic concern, rather than a life safety concern.

Staff Comment: This portion of the Code was taken directly from the International Property Maintenance Code, with the exception of oxidation. This protective treatment requirement is to protect the structure from weather related deterioration. A clear methodology was not created in the Code that informs a property owner when there is a need to repaint the structure, or portion thereof. Rental Housing Inspectors routinely provide flexibility to the property owner by adjusting the amount of time within which the

painting needs to occur if the property owner already has plans to repaint or if weather prevents painting for a season.

Code Section: The following is an excerpt from the Rental Housing Code requiring paint:

13.407(3)

(3) Protective treatment - paint. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement.

3. "S" TRAPS:

ARA Concern: The ARA would like S traps to be allowed as an exception as long as they are maintained in a safe and sanitary manner, and would like them included as an exception in Ames Municipal Code Section 13.600(4)(a)(i).

Staff Comment: In owner-occupied dwellings, an existing S trap would not be mandated to be replaced with a code compliant system unless the owner/contractor obtained a building permit and updated the system that included the S trap. In a rental unit, however, the S trap is required to be replaced with a compliant system no later than July 1, 2016.

Code Section: The following is an excerpt from the Rental Housing Code that outlines the requirement to replace S traps and exceptions for acceptable pre-existing plumbing items:

13.600(4)(a)(ii):

(ii) Existing S traps, provided however, that such unlawful traps shall be replaced by a trap and vent system that complies with the current Ames Plumbing Code no later than July 1, 2016.

13.600(4)(a)(i):

Exceptions:

(a) The following specific pre-existing unlawful plumbing items shall be noted on the inspection

report but shall not prevent the issuance of a letter of compliance as long as maintained in a manner which is safe and sanitary.

(i) Stand pipes for washing machines without a visible trap; Drainage of existing basement showers, washing machines, laundry tubs, or utility sinks across the surface of a basement floor to an existing floor drain; Existing auto vents; and toilets, showers, tubs, and sinks located in bathrooms with less clearance than required by the UPC;

4. SUMP PUMP INSTALLATION:

ARA Concern: The ARA would like sump systems to be allowed as an exception as long as they are maintained in a safe and sanitary manner.

Staff Comment: Similar to the “S” trap discussion in item 3 above, in owner-occupied dwellings the non-code compliant plumbing fixtures would only be addressed if the owner/contractor applied for a permit and was updating that specific system.

Code Section: The following is an excerpt from the Rental Housing Code that outlines the requirement to properly connect to an approved system:

13.605:

(1) General. All plumbing fixtures shall be properly connected to either a public sanitary sewer system or to a private sewage disposal system approved by the City. Sump pumps, roof drains, and other storm water drainage systems shall not be connected to a sanitary sewer.

(2) Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

5. FURNACE AND SYSTEM SAFETY CERTIFICATION:

ARA Concern: The ARA would like to utilize another test that is less expensive and would like to have additional time, more than five years, for required certification of a single furnace that serves multiple dwelling units.

Staff Comment: The Rental Housing Code relies on the Building Official to determine when a safety certification is required for furnaces that serve individual dwelling units. However, the Code specifically states a five year maximum for furnaces that serve multiple dwellings. The Inspection Division has created an Administrative Policy Statement regarding the individual furnace certifications to clarify the last portion of Section 13.702(7), below, which uses the Building Official’s judgment to require a certification. This discretion is not an option for a furnace that serves multiple dwellings, because the Code specifically states five years, also referenced below. The

administrative policy states that when a furnace is approximately 20 years of age, or if other visible evidence of deterioration is present, such as scorching or leakage, the inspector will request a certification. It is important that the standard is clear and consistent for our customers. Please note that the Rental Housing Inspectors are able to provide a minimum external review of a furnace and the associated system and are not trained to provide a detailed inspection.

The following is an excerpt from the Rental Housing Code that outlines the requirement for a furnace and system safety certifications:

13.702(6):

- (6) Furnaces/re-circulated ventilation air. The use of a single furnace serving multiple dwelling units within an existing registered rental structure where air is circulated through more than one unit may continue, provided:*
- (a) The owner/manager makes application for approval of the pre-existing condition to the Building Official within thirty days of notification of the condition by the Building Official.*
 - (b) The owner/manager discloses existence of the shared furnace in the lease and acceptance is initialed by the tenant;*
 - (c) The owner/manager discloses existence of a shared thermostat in the lease and acceptance is initialed by the tenant;*
 - (d) The owner/manager obtains an annual furnace safety inspection and written certification, from a licensed mechanical contractor, of all shared furnaces more than 5 years of age. Certification of furnaces less than 5 years of age may be required by the Building Official for due cause.*
 - (e) When the single furnace is replaced, it must be brought into compliance with current codes regulating:*
 - (i) exhaust system;*
 - (ii) fuel gas piping;*
 - (iii) electrical supply;*
 - (iv) ventilation air;**and other relevant provisions of the electrical, mechanical, fuel gas, and plumbing codes.*
 - (f) A carbon monoxide detector must be provided within the vicinity of the furnace, as specified by the manufacturer. Recirculation of air between dwelling units and common areas is not prohibited by this Code. Approval of this pre-existing condition is transferable from one owner to another, provided compliance with this all conditions of this section is maintained continuously. Failure to maintain continuous compliance with this section will result in termination of approval, and will require compliance with current mechanical code provisions, following*

appropriate notification and hearing procedures of this Code. Approval of pre-existing conditions will not be granted to new rental registration applications for duplex or multifamily dwellings.

13.702(7):

(7) Furnace and system safety certification. The owner of a structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. All mechanical appliances, operable fireplaces, solid fuel-burning appliances, cooking appliances, and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended functions. Each fuel-burning appliance shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation need not be connected to a chimney or vent.

The Building Official or designee may require an owner to obtain written safety certification from a licensed mechanical contractor when, in the Building Official's judgment, the safe or operable condition of an appliance is questionable.

6. FIRE ALARM SYSTEM RETROFITTING:

ARA Concern: The ARA would like to remove this requirement.

Staff Comment: As the 2012 International Fire Code (IFC) was reviewed for adoption, City staff had an opportunity to specifically review the requirements for Fire Alarm System Retrofitting. Fire alarm system retrofitting was included in Ames *Municipal Code* Chapter 13, Rental Housing Code, and in the IFC. Unfortunately, the text and the exceptions are no longer consistent between the two codes as the IFC continues to be updated on a three-year cycle. During the January 28, 2014 City Council meeting, the City Council approved eliminating the fire alarm system retrofitting standard from Ames *Municipal Code* Chapter 13 and to rely completely on the IFC. The City Council further directed the Fire Chief to provide a timeline that requires compliance by July 1, 2020. The Fire Chief will present the timeline at the May 13, 2014 City Council meeting.



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A Primer on "S" Traps

June 5th, 2012 | [14 comments](#)

A common plumbing defect found in many older houses is an "S" trap. An "S" trap is named so because it looks like an "S" on its side – it basically consists of a normal trap, and then another trap installed right up against it in an upside-down fashion, as shown below. These traps are prohibited by the [Minnesota State Plumbing Code](#), but that doesn't mean you can't buy them at any home improvement store.

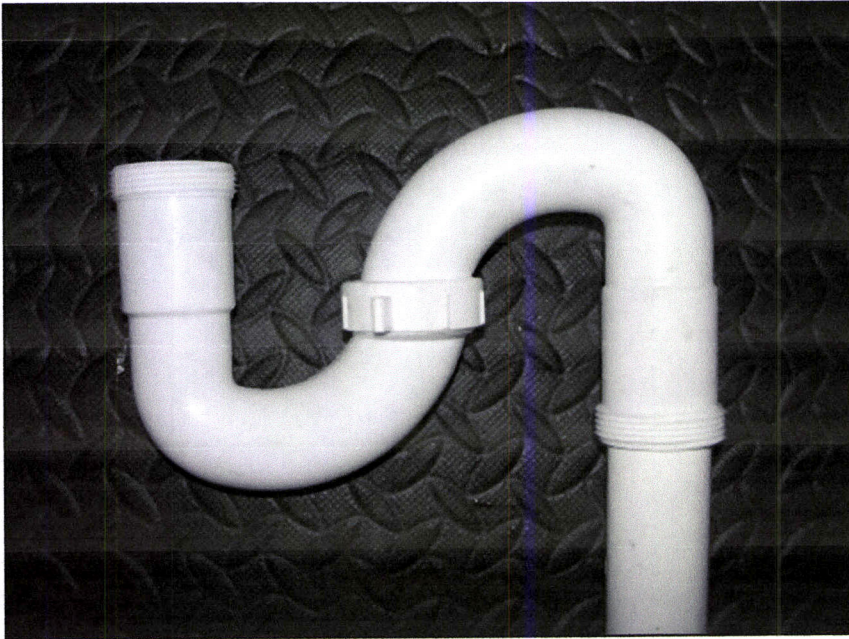
5/8/14

Dear Mayor and Council-

1. S traps are illegal
2. Allowing S traps sends the wrong message about compliance of the city code.

3. S traps allow methane gas to back into habitable areas. This is a health issue.

Pat Brown

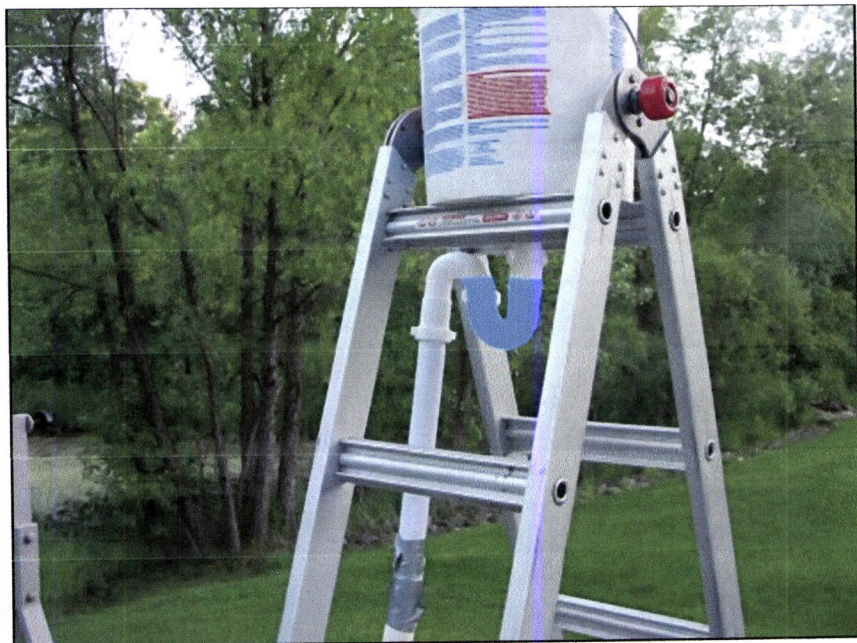


The most common places you'll find "S" traps are at plumbing fixtures that aren't vented, such as an illegal basement bathroom sink, a DIY basement bar sink, or a kitchen sink where the old steel drain in the wall was so corroded and blocked that someone installed a new drain, but never bothered to vent it.

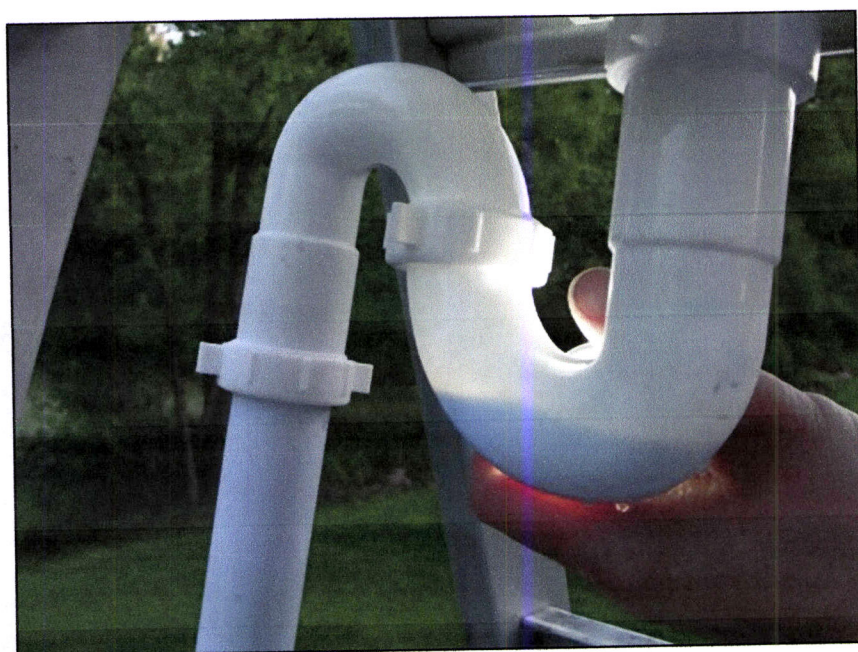
The purpose of a trap is to prevent sewer gases, and possibly vermin, from coming in to the home. When water sits in the trap, sewer gases stay out. Have you ever noticed some nasty odors in a bathroom that you never use? It's probably because the water in the trap has completely evaporated, allowing sewer gases to come in to the home. I've actually found this condition on a number of larger occupied houses. The easiest fix for this is to periodically run a little water in the plumbing fixtures. As a longer-term solution, you could also pour RV antifreeze in to the drains; that stuff won't evaporate.

Back to "S" traps – The reason "S" traps aren't allowed is because they have the potential to suck, or 'siphon', water out of the trap as the water flows down the drain. On a properly installed "P" trap, there is a vent at the same place the drain turns downwards, which breaks the siphon. In other words, the vent prevents water from getting sucked out of the trap. How much water can get sucked out of the trap? Believe it or not, enough water to break the water seal at the trap and let sewer gases come in to the house.

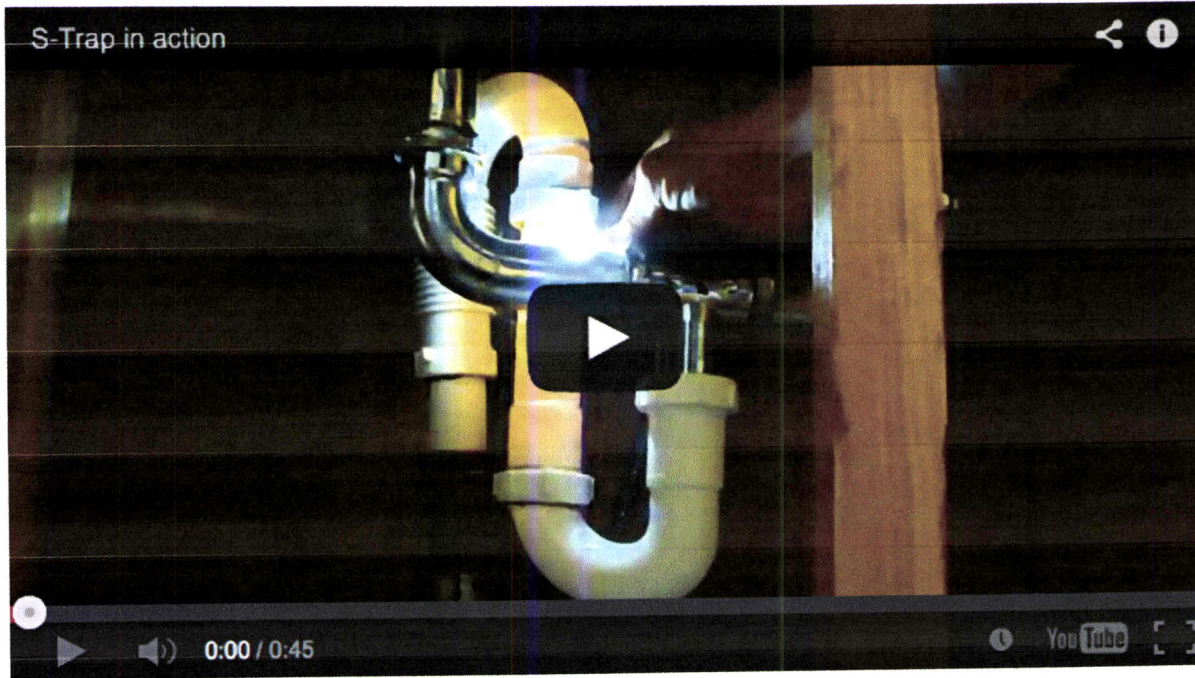
To show how this works, I set up a little rig in my back yard to show how much water can get siphoned out of an "S" trap. I forgot to take a close-up before photo, so I marked up this photo below with blue to show where there was standing water in the trap. The top of the water level is called the 'weir' of the trap.



As I let the water in the 5-gallon bucket drain out, most of the water in the trap ended up getting siphoned out. I added some food coloring to the water and held my flashlight up against the back of the trap to show this.



To see how this happens, here's a quick video I took during a home inspection. Listen to the gurgling noise at the very end of the water draining – this gurgling sound is a dead giveaway that a plumbing fixture isn't properly vented.



There's usually no simple way to *properly* correct an "S" trap. It's usually an involved, expensive repair. On the other hand, when water is flowing in to a sink from the faucet, there's usually not enough water draining at one time to create this siphon action, so "S" traps typically don't cause any big problems. Problems occur when the sink is filled with water and then drained. Even then, the simple way of dealing with this is to just run a little extra water down the drain after the water has drained out. This will re-fill, or 'prime', the trap after the water has been siphoned out... this is the same way toilets work.

A REALTOR's take on the issues with the CDBG Neighborhood Sustainability Single-Family Conversion Pilot Program from 2012

Over the course of 2012 and 2013 Pat Brown asked me to work with her and some of the City of Ames officials around the CDBG program for the Single-Family Conversion Pilot Program. Upon reviewing the program and further discussing the program with Steve Schainker and Vanessa Baker-Latimer I tried to lay out the following concerns and issues with the program:

- II. Minimum Property Requirements
 - C. Single-Family Conversion Properties only - This is a very select sub-section of properties and does not create a large enough pool of potential properties for the program.
 - D. Vacant and habitable Properties only - This requires a property owner to leave the property (multiple units in the case of this program) vacant which incurs lost revenue. Asking a property owner to do this when there is a rental shortage with no assurance of being able to participate in the program is not feasible.
- V. Financial Incentive
 - The entire premise of this program is to incentivize the current property owner to convert the property back to a single-family property. I feel that the incentive is given to the wrong party. If the seller is doing the work who is to say that they would do the same quality work that the buyers would expect if they were making their own choices.
 - This incentive is only as an interest-free \$25,000 loan - If the current property value of the home is \$100,000 the seller would need to sell the property for at least \$125,000 now in order to recapture the proceeds they would like from the home. Most home repair projects do not have a \$1-to-\$1 return and \$25,000 in improvements would likely only increase the value of the home by \$15,000-\$20,000 leaving it difficult to get the home to appraise during the loan process
 - Another problem that I see with this is that with most of these properties it will cost more than the \$25,000 loan to renovate the home back if professional contractors are involved in the entire process.
- IV. Competitive Requirements
 - B. The property owner has an offer to purchase from a loan-approved low-to-moderate-income first-time homebuyer - Part of the issue with this goes back to the issue from II. D.
 - C. The property owner has the financial means to supplement any additional rehabilitation costs beyond the loan funds provided by the City of Ames - The difficulty goes back to the issue noted above with Section V. The seller would then need to sell the home for even more in order to recapture the proceeds they would like from the home.

Below are a few ways that I feel a better program could be constructed:

- I would recommend opening the program up to all single-family rental units whether they are still single-family or they are a single-family conversion. If the goal is to get rental units back to owner occupied I would recommend leaving the net as wide as possible to capture a potential property.
- Instead of requiring the property to be completely vacant I feel a better option would be to allow landlords to increase a 60 day notice clause in the lease to have the tenants move-out if an agreed upon offer is accepted. There could be some financial incentive given with that as well up to the seller's discretion.
- Instead of the burden of renovating the property falling on the seller I feel a better option would be to give the financial incentive to the home buyer.
 - Give a \$25,000 (or funds TBD) long-term forgivable rehabilitation loan to the buyer to have the work done in a way that they would prefer. This could be structured in a few ways.
 - Offer a 3-5 year property tax exemption on any improvement of the property
 - One way to let these funds stretch further would be to partner with the DMAAC Building Trades Program to have students lead the remodel projects. It would be a great opportunity for the students and would reduce the labor costs over a general contractor.
 - Another way to stretch the funds would be to try to form a partnership with local building supply companies (Lowe's, Munn, etc) to try to get discounted materials for the renovations.