

Staff Report

AMES RENTAL ASSOCIATION – RENTAL HOUSING CODE CONCERNS

June 24, 2014

BACKGROUND:

The City Council received a letter from the Ames Rental Association (ARA) dated July 30, 2013. In that letter, the ARA asked Council to direct City staff to review Ames *Municipal Code* Chapter 13 (Rental Housing Code) regarding a number of specific issues. 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, staff had the opportunity to discuss the Rental Housing Code with representatives of the ARA. A list was created that included six items to be discussed. Staff presented those 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.

On May 13, 2014, staff presented a report that addressed each of the six ARA items and provided background on each issue. One of the issues discussed was the requirement of egress windows in a basement. The ARA requested that Code compliant egress windows be required in a basement bedroom, but asked that egress windows in habitable space outside a bedroom not be required. Through their discussion, the City Council provided the following direction to staff:

Directed City staff to see if there are minutes about the word "habitable," how it is defined, and where egress windows should be relative to that definition.

The term "Habitable Space" is defined in our currently adopted *Municipal Code* Section 13.201 as follows:

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.

Under the section entitled *Prior Approvals Shall Not Continue – Conditions*, Section 13.403(1.a) ties egress windows together with the term habitable space, as follows:

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.

Working with Al Warren, a member of the original Rental Housing Advisory Committee (RHAC), staff reviewed the last version of the proposed Ames Rental Housing Code, which was dated April 16, 2009 and was revised on April 21, 2009. Two e-mails were also located that indicate that the April 21 version of the Rental Housing Code was the last opportunity for the RHAC to review the Code and to make any revisions or suggestions prior to City Council review.

The April 21, 2009 version did include the definition of Habitable Space. **However, the above cited section of the Code, *Prior Approvals Shall Not Continue – Conditions*, which links below grade egress windows to habitable space, was not included in that version.** By contrast, **the Code version reviewed by the City Council at its special meeting on June 2, 2009 did include this additional section of Code linking below grade habitable spaces to requiring egress windows.**

Staff has had an opportunity to review the RHAC meeting minutes and the June 2, 2009 City Council meeting minutes. The RHAC did discuss egress windows at their meeting on October 1, 2008. However, habitable space and sleeping rooms were not discussed. According to the meeting minutes from the June 2, 2009 City Council meeting, inadequate second exits from basement apartments was included within a list of conditions that would not be allowed to continue. However, there was no discussion regarding sleeping rooms or habitable space.

OPTIONS:

1. Direct staff to prepare an amendment to Ames *Municipal Code* Section 13.403(1)(a) to only require below grade egress windows in sleeping rooms.
2. Retain the existing language in Ames *Municipal Code* Section 13.403(1)(a) and continue to require egress windows in below grade habitable spaces.
3. Direct staff to prepare a Code amendment to entirely remove the requirement for egress windows in below grade spaces.

STAFF COMMENTS:

It is currently unclear why the June 2 version of Code changes containing the section cited above did not go to the RHAC first. It may have been that staff realized, absent such a section, that there would have been only dimensional requirements for existing below grade egress windows, rather than requirements for the installation of egress windows in basement bedrooms.

What is clear, however, is that the last version of the Rental Housing Code changes that the RHAC was able to comment on clearly did not tie the habitable space together with below grade egress windows. The ARA has expressed their continued interest in requiring below grade Code compliant egress windows to only be required in sleeping rooms.