

Staff Report  
**Rental Housing Code Enforcement**  
April 15, 2008

**Background:**

In keeping with the City Council goal of “Strengthening Neighborhoods,” City staff advised Council members last year of the importance of becoming more proactive with our inspection efforts in order to avoid the deterioration of residential properties in our core neighborhoods. In order to facilitate this proactive enforcement, the Inspections Division of the Fire Department was reorganized and two positions were added in FY 2007-08. The staff warned at the time that some of our citizens would undoubtedly support this more aggressive approach to code enforcement while others would no doubt be frustrated with this change.

In recent months, the City Manager, and a few City Council members, have been contacted by individuals representing rental property owners in the community expressing their concerns with the change in code enforcement as it relates to rental properties. It appears that these concerns fall into the following five categories:

- Code sections being interpreted differently than during previous rental inspections
- Arguable or ambiguous code language
- Codes that were previously not enforced during rental inspections
- Items which were previously passed during inspections that are now found to be non-code compliant
- Items property owners find “too expensive” and do not want to be included in the codes

Some of the specific topics of concern that have been raised regarding our enforcement efforts include:

1. GFCI outlets in kitchens and bathrooms
2. Handrails on all stairs with more than three risers
3. Visible street address number/apartment unit numbers
4. Gutters and downspouts
5. Required off-street parking (number of spaces-hard surfacing-availability)
6. Minimum area requirements in dwelling units (sleeping and habitable rooms)
7. Furnace and chimney safety certification
8. Lights in closets
9. Accessory structures-maintenance of garages, sheds, fences, walls
10. Roofs
11. Grading and landscaping-provide positive drainage-dry basements
12. Structural members (interior/exterior)
13. Painting (exterior) – Cracks (interior)
14. Windows (deteriorated)

15. Screens on operable windows
16. Egress windows
17. Stairways, decks, porches, balconies
18. Knob and exposed tube wiring
19. Carports and garages
20. Guardrails
21. Smoke detectors in each bedroom
22. Interior door hardware
23. Stair rise and run
24. Furnace replacement
25. Fire alarm system
26. Foundations
27. Siding
28. Furnace (one serving a duplex)

As a result of this input, on March 4, 2008 the City Council directed staff to schedule a round-table discussion with rental property owners, renters, and neighborhood residents to discuss this issue of rental property code enforcement. The report is intended to help identify past, current, and future actions that are relevant to the issue.

**The Past – Code Changes:**

Chapter 13 of the Municipal Code of Ames was adopted in May, 1977. Starting early in 2005, staff conducted a series of citizen (or customer) meetings regarding the rental housing code. The 2005 series of meetings included rental property owners, renters, neighborhood residents, students, and inspectors. The rental property owners were brought in three different times as small, medium, and large operators of rental businesses. Renters, neighborhood residents, students, and inspectors were present at all meetings. As a result of the input from citizens, 12 sections of the rental housing code were revised to focus more effort on properties of concern and reward well maintained and protected properties with longer inspection intervals. Since 1977, Chapter 13 has been revised twenty-three times.

**The Present - Staff Changes:**

In 2005, the Council voted to support an increase in rental inspections staffing to help us “Strengthen our Neighborhoods.” As a part of our “One Community” effort, Council voted to approve our use of students as part-time intern inspectors.

In 2007, Council voted to staff and fund the Inspections Division reorganization. The Rental Housing Inspector position was revised to provide higher performance standards and increased accountability

for the rental housing inspections program. A new Neighborhoods Inspector position was also created to improve the Division's response to other neighborhood concerns.

In 1977 when the rental housing code was adopted there were no similar national codes available. Today, many Iowa cities have adopted the 2006 International Property Maintenance code (IPMC) in response to the same issues we're facing. Some communities have chosen to adopt part of the IPMC to cover all properties, while others simply apply it to their rental units. **Our 1977 based ordinance, with its 23 revisions, is neither as comprehensive nor as clear as the IPMC. This leaves staff the difficult responsibility of attempting to decipher the intent of ambiguous code sections and trying to explain any differing interpretations to our customers. This lack of code clarity has led to difficulties in consistency and resulted in frustrations for many of our customers.**

Building relationships with our customers is important. However, this objective is extremely difficult given the divergent customer groups requesting contradictory code enforcement efforts and code revisions. Rental housing inspections are enforcement actions that affect renters, neighbors, visitors, and property owners differently. Since July 2007 staff has conducted 3,909 rental unit inspections. Since last July, our Rental Housing Inspections Supervisor, Building Official, and Neighborhoods Inspector have participated in 9 meetings with groups interested in strengthening our neighborhoods. They have made 336 personal contacts, investigated 214 requests for service, closed 192 cases, and removed over 50 junk vehicles.

#### **The Future – Recommended Action:**

Hopefully, everyone realizes how difficult it is for our staff members to balance the interests of the neighboring residents, renters, and rental property owners. However, even before the City Manager and City Council members received concerns about our code enforcement efforts, the Inspection staff took the initiative and began "Conversations About The Neighborhoods." The intent of this endeavor is to determine what this diverse group of customers believe are the most important issues related to our code enforcement.

**The first meeting was held on February 1, 2008. The majority of the attendees either lived in or owned rental property in the South Campus neighborhood. Our initial objective was to initiate customer conversations to determine what this diverse group believes are the most important issues.** Later, through emails from participants we were able to prioritize the following list:

1. Establish clearer maintenance standards in the code
2. Establish codes/standards that are the same for rental and owner-occupied properties
3. Clarify meaning and application of grandfathering
4. Establish clearer descriptions of tenant vs. landlord responsibilities
5. Set reasonable time limits for compliance
6. Work together on tenant issues
7. Resolve garbage issues
8. Deal with front yard and off-street parking
9. Partner with service organizations to help needy owners
10. Enforce/revise the junk vehicle ordinance

Our next meeting was held on March 27, 2008. Staff expanded the list of participants in these conversations to include persons living outside of the South Campus neighborhood. At this meeting staff discussed the ten issues, verified priorities, and discussed examples.

These initial conversations identified two additional philosophical questions that have been raised by rental property owners:

- Who should be held responsible for certain code violations – occupants or owners?
- Why should property maintenance regulations for rental properties be different from properties occupied by owners?

**In order to address priority issues, concerns, and philosophical questions from the various groups interested in this important issue, we hope to create an advisory citizen committee to help us address solutions.** We recommend that the advisory committee be comprised of two large-scale rental property owners, two medium to small-scale rental property owners, two renters, and two neighborhood residents. The Building Official, Fire Chief, Rental Housing Inspector and, as needed, other Inspections staff will facilitate this dialogue. We anticipate that the advisory committee members will participate in six to eight meetings to prepare recommendations for additional public discussion and ultimately City Council consideration.

The objectives of the advisory committee will be:

- To identify our customers' priorities related to rental property maintenance enforcement.
- To seek ways of adding clarity to and reducing ambiguity in our relevant codes.
- To develop alternative code language, where appropriate, for City Council's consideration.

It is our intent that this advisory committee's work begin after the April 15<sup>th</sup> discussion and continue each week for approximately 6 to 8 weeks. Their recommendations would then be made available at a

public hearing to obtain feedback and finally be brought before the City Council in June/July. In this way, we will merge this dialogue with the “Conversations About The Neighborhoods” process already begun by the City staff.