

ITEM: 29
DATE: 5/13/08

COUNCIL ACTION FORM

SUBJECT: RENTAL HOUSING ENFORCEMENT COMPLIANCE EXTENSION FOR SPECIFIED VIOLATIONS

BACKGROUND:

On March 27, 2008 Council held a round table discussion regarding rental housing inspections. During this forum a number of concerns were expressed. The Council directed staff to organize an Advisory Committee to address the three listed objectives:

- Identify our various customers' priorities for rental property maintenance and enforcement.
- Seek ways of adding clarity and reducing ambiguity in our adopted codes.
- Develop alternatives for the Council's consideration.

The first meeting of the Advisory Committee was conducted on Wednesday, May 7, 2008. Due to the complexity of this issue it is anticipated that the Advisory Committee will need to meet for a minimum of 10 weeks. The alternatives developed will then be presented to Council. Council deliberation could then add additional time before decisions are implemented.

During the roundtable discussion, rental property owners expressed special concern for four enforcement categories that the rental housing inspectors are citing as violations as part of our new proactive enforcement efforts. The four code requirements listed below could result in significant expenditures, are not deemed imminent life safety issues, and could be changed as a result of suggestions from the Advisory Committee. The major requirements in question involve:

- Painting exteriors in order to attain weather proofing
- Paving Driveways and parking stalls
- Replacing single furnaces in apartments with shared air flow with multiple furnaces and ducting that flow air to individual apartments.
- Replacing existing above-ground non-egress bedroom windows with egress windows.

The staff is concerned that while the Advisory Committee and City Council deliberate about possible changes to our codes, rental housing inspections will continue and violations of the four categories listed above will be identified. The question becomes how to handle these violations pending a final decision by the City Council.

ALTERNATIVES:

1. Direct staff to continue to identify code violations under the current codes, communicate violations to the appropriate rental property owner/manager, and issue **Conditional Letters of Compliance** until violations are corrected. At that time an unconditional Letter of Compliance will be issued.

For the four identified violation areas, an extended correction time period will be allowed (not to exceed one year). This period will be established to accommodate the anticipated completion of the Advisory Committee's work and additional time for City Council consideration. In addition, staff will give consideration to weather conditions during which the corrections will take place, the extent of repair that is required, and the amount of time that is needed following a final decision by the City Council regarding these four categories.

2. Direct staff to continue the rental inspections as normal. This option will require property owners to make costly improvements in these four areas in order to secure Letters of Compliance this year, even though code changes involving these categories could be forthcoming.

MANAGER'S RECOMMENDED ACTION:

The four areas identified above were of significant concern to citizens who participated in the Council roundtable discussion. By granting an extended timeframe for corrections, staff will not have to order short-term compliance for costly repairs that are subject to discussion and possible change. Should the existing ordinance requirements be retained, compliance can still be accomplished within a reasonable timeframe.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving an extended completion period for the four major areas identified.