

STAFF REPORT
RESIDENTIAL PROPERTY MAINTENANCE CODE OPTIONS
4/14/2009

This report confirms the options and summarizing comments contained in the Staff Report on Property Maintenance Code reviewed by the City Council on March 30, 2009. That report provides extensive background on this issue, and is available on the City's web site.

Following five months of discussion, public education, and public input, the following property maintenance code options are presented for Council's consideration. In response to public input at the March 30 workshop, one additional option has also been developed. One of these six options should be selected in order for the community to move forward in its decision-making process related to property maintenance issues.

PROPERTY MAINTENANCE CODE OPTIONS

Option I - Eliminate exterior property maintenance requirements from the Municipal Code.

This option would remove any reference to exterior property maintenance requirements from our Municipal Code. This approach would be a major step backward, since it would eliminate the City's ability to enforce the requirements that are currently in the Municipal Code for items such junk, refuse, junk vehicles, parking on paved surfaces, etc.

Option II – Continue to enforce the property maintenance related requirements as they currently exist in the Municipal Code.

This option would maintain the status quo by enforcing the current code sections as they are currently written in the Municipal Code. Such items as junk cars, storage of junk, parking in front yards, weeds (a specific list), etc., are scattered throughout the Code with various enforcement tools.

Option III – Revise the Rental Housing Code (Chapter 13) to incorporate the recommendations of the Rental Housing Advisory Committee related to exterior and interior issues, but apply these regulations only to rental units.

Under this option, the concept of property maintenance standards for rental units would be de-coupled from owner-occupied units. The newly clarified property maintenance requirements considered by the Rental Housing Advisory Committee would be applied only to residential rental properties. No further

effort would be made to modify the current minimum standards for owner-occupied units.

Option IV - Revise the Rental Housing Code (Chapter 13) to incorporate the recommendations of the Rental Housing Advisory Committee related to exterior and interior issues for rental housing units at this time, and move ahead to establish a citizen committee to work with the City staff to recommend minimum property maintenance standards for owner-occupied residential units for City Council consideration.

Under this option, an ordinance will be brought back to the City Council reflecting the new language agreed to by the Rental Housing Committee regarding property maintenance standards for residential rental units. In addition, the staff will work with a citizen committee to develop code language focusing on the levels of the decision continuum mentioned previously for owner-occupied residential properties (continuum ranging from Dangerous Buildings to Health and Life Safety to Adverse to Property Values).

Option V – Delay any action to revise the Rental Housing Code (Chapter 13) at this time and move ahead to establish a citizen committee to work with City staff to develop minimum property maintenance standards for owner-occupied residential units for City Council consideration.

Under this option, the final decision regarding the establishment of property maintenance requirements for rental units will remain coupled with the final decision regarding their application to owner-occupied units. As in Option IV, the staff will work with a citizen committee to develop code language focusing on the levels of the decision continuum mentioned previously (from Dangerous Buildings to Health and Life Safety to Adverse to Property Values) for owner-occupied residential properties.

Option VI – Revise the Rental Housing Code (Chapter 13) to incorporate the recommendations of the Rental Housing Advisory Committee related to interior issues, and establish a citizen committee to work with City staff to recommend minimum exterior property maintenance standards for both owner-occupied and rental residential units.

Under this option, in the near future an ordinance will be brought back to the City Council reflecting the new language agreed to by the Rental Housing Committee regarding the 55 (+/-) interior issues related to rental housing units. These changes will be part of the modified Rental Housing Code.

Under this option, Council would also delay action on exterior issues related to both rental and owner-occupied residential units until Council receives recommendations back from the new citizen committee. Eventual code changes related to exterior residential property maintenance will become part of a City-

wide Residential Property Maintenance Code that applies to both owner-occupied and rental units.

As a part of this option, staff will work with the ad hoc citizen committee to develop code language focusing on the same levels of the decision continuum mentioned previously for the 23 exterior property maintenance issues (described on page 2 of the March 18th staff report) for both owner-occupied and rental residential properties.

CITY STAFF COMMENTS

- ❖ Over the years, the City staff has expressed support for some form of a minimum property maintenance code to apply to both rental and owner-occupied residential units. This direction is supported because of:
 - a recognition that the housing stock in some of our older neighborhoods has reached a point where voluntary action on the part of the home owner to improve the property is not always accomplished,
 - a feeling of frustration on the part of staff members that the enforcement procedures in our current ordinances do not allow us to respond in a timely fashion to complaints from our residents about neighboring properties,
 - a recognition that the establishment of minimum property maintenance standards is not a radical idea for municipal governments since many cities in Iowa and throughout the country have adopted similar ordinances (see Appendices 9 & 10 for Big 12 Conference Cities and Appendices 11 & 12 for Iowa's 10 Largest Cities), and
 - the fact that problem properties are not only rental units. In the first year that we had a Neighborhoods Inspector and a Rental Housing Supervisor, 256 complaints were found to be in violation of the Municipal Code. Of this total, 71% of these violations were identified on owner-occupied properties.
- ❖ However, staff also believes that the adoption of such an ordinance should not be supported unless the City Council:
 - concurs that a problem exists in our neighborhoods that requires new tools to improve the situation,
 - believes that there is a legitimate role for government to intervene to assure improvements are made on private properties, and

- is willing to accept a substantial degree of criticism that will come, at least initially, from those home owners who are required to make improvements as a result of this new ordinance.
- ❖ If the City Council decides to select an option that involves the establishment of minimum property maintenance standards, then it is staff's belief that:
 - the requirements should be directed only towards residential property (not commercial or industrial properties) at this time,
 - the current philosophical approach to inspections should be maintained. Inspections will continue to be made based upon citizen complaints or observations by a City Inspector while at a property to handle some other required inspection, and
 - the International Property Maintenance Code should be adopted with local amendments.
- ❖ If the City Council decides to postpone any action on revising the City's Rental Housing Code (Options V or VI), it is important that the moratorium on enforcement that has been in place should be extended until December 31, 2009, for such issues as exterior painting, paved driveways and parking stalls, above ground non-egress windows, and single furnaces with shared air flow.
- ❖ If the City Council decides not to adopt minimum property maintenance standards for owner-occupied residential units (Options II or III), then staff recommends that the new abatement procedures recently established for dangerous buildings be adopted for the existing code sections to help staff more effectively enforce the current laws.
- ❖ If the City Council decides to move forward with a new citizen committee to make recommendations on the identified exterior property maintenance issues (Options IV, V or VI), staff will develop a proposed charge and time-frame for that group, and will bring Council suggestions for a committee make-up that will fairly represent the variety of citizen perspectives on property maintenance code issues.