

Staff Report

HISTORY OF RENTAL HOUSING CODE REVISIONS

January 28, 2014

The City's Rental Housing Code, Chapter 13 of the Ames Municipal Code, was adopted in May 1977. **The purpose of the Rental Housing Code has historically been to insure that rental housing is “safe, sanitary, and suitable.” The Code provides housing maintenance standards for existing structures and premises, with a goal of consistent code application and enforcement.**

In early 2005, staff conducted a series of meetings regarding rental housing. These meetings included rental property owners, tenants, neighborhood residents, students, and City inspectors. Various categories of rental property owners were included so that there was representation from three different groups identified as small, medium, and large operators. Citizen input indicated that sections of the rental housing code could benefit from revision to focus more effort on properties of concern and to reward well maintained and protected properties with longer inspection intervals. Although Chapter 13 had been amended 23 times, the City of Ames had not conducted a comprehensive review of its Rental Housing Code since 1977. In 2007, Fire Department Inspections staff recommended a comprehensive review of the whole chapter to address code ambiguity and interpretation conflicts that had been encountered.

In response to this recommendation, the City Council directed staff to form an ad hoc Rental Housing Advisory Committee (RHAC). The charter of this group was to clarify and update Chapter 13, the Ames Rental Housing Code. The RHAC started meeting in May 2008. Initially, it was anticipated that the ad hoc team would conduct six to ten meetings to prepare recommendations for additional public meetings and Council consideration. The RHAC actually met once a week for a period of six months and continued to conduct meetings for a total of approximately 18 months. Throughout the meetings, the RHAC discussed every provision of that chapter and considered the standards from the points of view of property owners, future property owners, residents, visitors, tenants, and neighbors. While the City staff were not voting members of the RHAC, they did offer alternative recommendations if deemed appropriate from a public safety standpoint.

Staff and the Ames Rental Association (ARA) presented a draft ordinance of Chapter 13 to the Property Maintenance Appeals Board (PMAB) in September 2010. The City Council then held a workshop to discuss the proposed ordinance in October 2010. The review process had allowed consensus to be reached on all but a handful of provisions. Council gave direction on how those issues were to be decided, and the final ordinance was approved by City Council on May 24, 2011. The current ordinance is the result of that multi-year effort and represents the collaborative effort of City staff, rental property owners, renters, neighborhood residents, and students.

COUNCIL ACTION FORM

SUBJECT: **FRATERNITY AND SORORITY EXEMPTION FROM THE RENTAL HOUSING CODE**

BACKGROUND:

The Rental Housing Code (Chapter 13) has general provisions addressing its scope which make it applicable to all existing residential rental structures. It further provides that five categories of residential rental structures are exempt from this code. Fraternities and sororities are not on that list. The Rental Housing Code includes three references to Fraternity and Sorority organizations, specifically Sections 13.301(a.i), 13.601(2) and 13.602(1), as shown below:

(3) Inspection cycles.

Letters of compliance shall be issued for terms of one, two, three, or four years, shall expire at the end of those terms, and shall not be renewed without inspection. The period shall be determined by the Building Official based on the following criteria:

(a) One year

*(i) **all fraternity and sorority occupancies;...***

(2) Rooming units.

*In lodging, boarding, **fraternity and sorority houses**, the maximum number of persons sharing the same bathroom facilities shall be eight (8)...*

(1) Privacy.

*Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms. **Exception: fraternities, sororities, and dormitories.***

The *Municipal Code* Sections cited above are the only specific sorority and fraternity references in the Rental Housing Code, but they confirm that fraternity and sorority organizations are subject to rental inspections under the general scope of that chapter and because they are omitted from the exempt category list.

The applicability of the compliance standards outlined in Ames *Municipal Code* fraternity and sorority organizations was discussed at the December 11, 2012 City Council meeting. At that meeting, City staff outlined the differences between Greek housing and other typical rental units.

It was pointed out that the inhabitants of fraternities and sororities are members of the organization that operates their housing. In fact, they participate in the management of these facilities and, therefore, can make sure that their own safety is protected. **Therefore, a case can be made that Greek housing should be added to the list of uses that are exempt from the Rental Housing Code, thus joining the list of other exempt uses such as hotels, motels, university housing, state-licensed health and custodial facilities, owner-occupied single family housing dwellings, and other residential occupancies specifically regulated by state and federal authority.**

If rental housing inspections of Greek houses were to be re-initiated, City staff may identify problems related to S traps, access windows, restroom occupancy, etc., that heretofore have not been brought to the attention of officers of the Greek houses and quite possibly lead to the elimination of this type of housing.

At the December 11, 2012 meeting, Council directed staff *“to organize a round table discussion on this issue with people of interest, i.e., Boards that run the fraternities and sororities or other owners, residents, and the Office of Greek Affairs; and that staff describe and provide the philosophy behind the exemptions.”*

This round table discussion was held at a special City Council meeting on September 17, 2013. Although no City Council action was taken, the community was able to provide input on this issue. Input gathered at this meeting was overwhelmingly in favor of exempting sororities and fraternities from the Ames *Municipal Code*, Chapter 13 (Rental Housing Code).

At the October 22, 2013 meeting, City Council directed staff *“to place on a future City Council agenda the exemption of Greek houses from the Rental Housing Code.”* As a result of this direction, the City’s legal staff has created the attached draft Ordinance exempting sorority and fraternity organizations from Ames *Municipal Code*, Chapter 13.

ALTERNATIVES:

1. a. Approve the attached ordinance exempting sorority and fraternity organizations from Ames *Municipal Code*, Chapter 13.
b. Motion to refer to staff a request to modify parking requirements for fraternities and sororities.
2. Approve the attached ordinance exempting sorority and fraternity organizations from Ames *Municipal Code*, Chapter 13, but do not refer the request to modify parking requirements.
3. Retain Ames *Municipal Code Chapter 13* as it is currently written, and direct staff to inspect fraternities and sororities within the parameters of the existing Rental Housing Code.

It should be emphasized that fraternities and sororities have never been inspected for Rental Housing Code compliance. If this practice is reversed, it is quite probable that this type of housing would cease since it would be cost prohibitive to comply.

MANAGER'S RECOMMENDED ACTION:

It is staff's conclusion that sororities and fraternities are significantly different in both ownership and operation as compared to other typical rental units across the City, and may not be able to comply with all of the requirements of the Chapter 13 of the Ames *Municipal Code*. The specific direction given on October 22, 2013 indicates that the City Council concurs with this finding. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 and approve the attached ordinance exempting fraternities and sororities from the Rental Housing Code.

Previous discussions with fraternity and sorority representatives identified problems with the current parking standards related to additions or redevelopment of the existing houses. Given the current parking standards, it may not be possible to add beds to these houses and, even if possible, it might require expensive structure parking for smaller sites.

It is important to point out that these parking requirements will remain in the Zoning Ordinance even if sororities and fraternities are exempted from the Rental Housing Code, as recommended. Since, at least, three fraternities have expressed their intention to the Planning staff to either expand or replace their buildings in the near future, it seems appropriate that this parking issue be referred to staff for review. There is no assurance that acceptable alternative parking requirements can be identified. However, given the importance of these buildings to the fabric of these neighborhoods, it is important that we try.

There was obviously some confusion over this issue and it should have been referred by the Council at the same time the exemption request was first made. The staff would support such a referral. This referral will then have to be prioritized with the other Council Goal and Referral tasks that Planning and Housing Department will present to City Council in February.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SUBSECTION 13.100 (5)(f) AND REPEALING SECTION 13.301(3)(a)(i), SECTION 13.601(2) AND SECTION 13.602(1) AND ENACTING NEW SECTIONS 13.601(2) AND 13.602(1) THEREOF, FOR THE PURPOSE OF EXEMPTING FRATERNITIES AND SORORITIES FROM THE RENTAL HOUSING CODE; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Subsection 13.100 (5)(f) and repealing Section 13.301(3)(a)(i), Section 13.601(2) and 13.602(1) and enacting new Sections 13.601(2) and 13.602(1)as follows:

**DIVISION 1
ADMINISTRATION**

Sec. 13.100 GENERAL

...

“(5) Exceptions.

The following residential structures are exempt from these rules:

...

- (f) fraternity and sorority houses;

...

Sec. 13.601. REQUIRED PLUMBING FACILITIES.

...

(2) Rooming units.

In lodging or boarding houses, the maximum number of persons sharing the same bathroom facilities shall be eight (8). Such facilities shall be located to afford privacy and to be accessible from a common hall or passage way to all persons sharing the facilities.

...

Sec. 13.602. TOILET ROOMS.

(1) Privacy.

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms. Exception: dormitories.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor