

COUNCIL ACTION FORM

SUBJECT: **RENTAL CODE ORDINANCES**

BACKGROUND:

The Ames City Council made the following motions at the July 23, 2019 Council Meeting:

*Directed staff to include making illegal rentals ineligible for LOCs for one year.
(Amendment to Sec. 13.301(1) shown in italics on attachment).*

*Directed staff to include the ability to issue an order for Rent Abatement in toolbox.
(New Sec. 13.104(2)(f))*

*Directed staff to freeze bedrooms in Near Campus Neighborhoods. (Removed the
strikethrough text in Sec.13.503(4)(e)(iii))*

Staff notified constituents of the proposed changes and presented the ordinances at the August 27, 2019 Council Meeting. After reviewing the changes and hearing input from the public, Council made a motion to:

Direct staff to proceed with these changes as presented.

The revised ordinance is attached and is being presented for first reading.

ALTERNATIVES:

1. Approve on first reading the ordinance that would give staff the ability to make illegal rentals ineligible for a LOC for one year, give staff the ability to implement rent abatement when necessary, and freeze bedroom counts for occupancy purposes on all single-family and two-family dwellings in the near campus neighborhoods.
2. Approve on first reading the attached ordinance regarding Rental Housing changes with suggested changes.
3. Do not pass on first reading the proposed ordinance.

CITY MANAGER’S RECOMMENDATION:

It is the recommendation of the City Manager that the City Council support Alternative #1 and thereby approve the amendments to the rental code giving staff more enforcement options and limiting any potential increases in number of tenants in newly registered rentals.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION THEREOF, FOR THE PURPOSE OF RENTAL CODE CHANGES CHAPTER 13 REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; 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 Section as follows:

“Sec. 13.104. VIOLATIONS AND ENFORCEMENT.

(2) Enforcement.

...

(f) Rent Abatement.

i.) The Building Official may order rent abated when the Building Official determines that the owner has, after issuance of a notice of violation of this chapter:

a.) Failed to provide an essential service (water, sewer, electricity, heat);

b.) Failed to remedy a condition that poses a substantial risk to the health or safety of the tenant;

c.) Rented a dwelling unit without a valid Letter of Compliance; or,

d.) Failed to make corrections as required in the inspection report.

(ii) Rent abatement means that the owner may not recover rent from the tenant.

Rent shall be abated until the condition for which rent abatement was ordered has, in the judgment of the Building Official, been remedied.

(iii) The Building Official shall provide a copy of the rent abatement order to the owner at the address on the rental permit and to the tenant by U.S. mail and by posting the entrance door to the dwelling unit. Notice of termination of the rent abatement will be given in the same manner.

Sec. 13.301. LETTER OF COMPLIANCE (LOC)

(1) Letter of Compliance required.

No owner or operator shall rent, or offer for rent, any dwelling unit for use in whole or in part for human habitation, unless:

(a) it is registered as a rental dwelling with the Inspection Division, and

(b) a valid Letter of Compliance has been issued, or is pending, subject to inspection approval.

Properties determined to have been rented without a valid Letter of Compliance may be, at the discretion of the building official, ineligible for a Letter of Compliance for a period of one year beginning on the date in which City staff determined the property was being illegally rented. The property cannot be leased during this year.

...

Sec. 13.503. OCCUPANCY LIMITATIONS

...
(4)

...

(e)

...

(iii) For rental dwelling units located within the Near Campus Neighborhoods and that are registered as of January 1, 2018, the number of bedrooms for determining maximum occupancy shall be determined by the number of bedrooms listed in the records of the Ames City Assessor as of January 1, 2018, or by the number of bedrooms reflected in the inspection records of the City of Ames Inspection Division as of January 1, 2018, whichever number is higher.

13.503

(4)

(e)

~~(iv) For rental dwellings located within the Near Campus Neighborhoods for which a registration is being sought after January 1, 2018, the number of bedrooms for determining maximum occupancy shall be determined by an inspection of the Inspection Division.”~~

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

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

Section Four. 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

John A. Haila, Mayor