



MEMO

Item No. 42

To: Mayor Haila and Members of the Ames City Council
From: Sara Van Meeteren, Building Official
Date: August 16, 2019
Subject: Rental Code Changes

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 presented draft ordinances for these motions to Council on August 13, 2019. Council made a motion to change the language for the unregistered rental ordinance so that it gave staff the ability to prohibit a property from being registered for one year instead of strictly forbidding the property from being registered. This update is reflected in the attached draft.

The Ames Rental Association, Central Iowa Board of Realtors, Student Government, rental permit holders, and neighborhood association representatives have all been notified of the proposed changes.

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 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