

# AGENDA

**City of University Heights, Iowa**  
**City Council Special Meeting**  
*Thursday, February 6, 2020*  
**Community Center - OUP**  
**1302 Melrose Avenue**

5:30-7:00 p.m.

Meeting called by Mayor Louise From

<b>Time</b>		<b>Topic</b>	<b>Owner</b>
<b>5:30</b>	Call to Order Special Meeting	Roll Call	Louise From
<b>5:35</b>		<b>Public Input</b>	<b>Public Comments</b>
		<a href="#">History</a> of legislative changes to occupancy restrictions and Rental Housing Code amendments.	Steve Ballard
		Discussion of possible amendments to Rental Housing Code, including termination of moratorium on new rental permits in the R-1 Zone.	Terry Goerdt, Brian Jensen & Steve Ballard
		Direction to staff regarding Rental Housing Code amendments.	Council
	Announcement		Anyone
<b>7:00</b>	Adjournment		Louise From

**Next Regular City Council Meeting is February 11, 2020 at 7:00 p.m.: Community Center – OUP**

## February 6, 2020 City Attorney's Report Special Meeting – Rental Housing

### 1. **History.** Here is a brief history of rental housing in the City of University Heights:

- Starting in January 1982, when Ordinance No. 79 (Zoning) was adopted, the City restricted occupancy of dwellings to one “family” and one unrelated person, so long as they all occupied the dwelling a single housekeeping unit.
  - The restriction applied to all dwellings, but the practical effect was to limit occupancy of rental dwellings.
  - The requirement that everyone occupy as a single housekeeping unit meant that dwellings could not be divided up into duplexes.
  - So, for many years, the City regulated rental housing by enforcing the restriction on occupancy, and that was about it.
  - Here’s the link to Ordinance No. 79: <https://www.university-heights.org/DocumentCenter/View/218/Ordinance-Number-79-PDF?bidId=>.
  
- The City adopted a Rental Housing Code in April 2000, Ordinance No. 110.
  - The Code required landlords to have rental properties inspected and to obtain a rental permit before renting dwellings to others. (Before this enactment, rental permits and inspections weren’t required, so this was a big step.)
  - If anyone other than an owner lived in a dwelling, it was considered a rental, whether or not rent was actually being paid.
    - This provision addressed circumstances where out-of-town parents would purchase a home for their child or children to live in while attending the University of Iowa; even though the children paid no “rent,” unless they were owners, the property was considered a rental.
    - This definition still applies – a property is a “rental” if anyone aside from the owners (and their children and/or their parents) reside in the dwelling. (If children and/or parents reside in the dwelling, the owners must reside there, too, for the property not to be considered a “rental.”)
  - The City Council appointed a Housing Official to perform inspections, receive applications and issue permits, and enforce the Rental Housing Code.
  - The occupancy restrictions of the Zoning Ordinance remained in place, so even with a valid rental permit, occupancy was restricted to one “family” plus one unrelated person (so a maximum of two tenants who were unrelated).
  - Here’s the link to Ordinance No. 110: <https://www.university-heights.org/DocumentCenter/View/279/Ordinance-Number-110-PDF?bidId=>.
  - The Rental Housing Code was amended a few times over the years. You may review the changes by looking at the historical notes at the end of the Ordinance.
  
- In 2017, when the Iowa Legislature prohibited Cities from restricting occupancy of dwellings (rental or not) based on familial status. See Iowa Code § 414.1(1)(c).
  - The Legislature told Cities that if they wanted to restrict housing in other ways, they should do so – but Cities could not restrict occupancy based on family relationships.

- This change was massive for the City, which had restricted occupancy to a “family” plus one unrelated person for the prior 35 years.
- So, the City changed its approach.
  - In 2017 and 2018, after holding many meetings and public forums, the Council adopted Ordinance No. 218, No. 223, and No. 233.
  - Among other provisions, Ordinance No. 223 set a cap on rental permits in the R-1 Zone at 20% of all dwellings in that zone.
  - When the cap was adopted, the number of rental permits in the R-1 Zone already exceeded the cap. Existing permits were “grandfathered” in, but new permits would only be issued if and when the number of permits fell below the cap through attrition – nonrenewal, termination, etc.
- In 2019, the Iowa Legislature prohibited Cities setting rental permit caps “on single-family homes or duplexes.” See Iowa Code § 414.1(1)(c).
  - The City then enacted a moratorium on issuing new rental permits to allow an opportunity to consider amendments to its Ordinances and policies concerning rental housing issues.
  - The moratorium was extended and presently expires April 15, 2020, or sooner if the Council terminates it.
- Here’s the link to current rental property information (including rental permit and inspection forms – scroll down to “Rental Property Forms & Information”): <https://www.university-heights.org/155/Housing-Building-Information>.

2. **Possible Changes.** City Housing Officials Terry Goerdts and Brian Jensen, City Clerk Chris Anderson, and I will discuss possible changes to the Rental Housing Code at the February 6 Special Council meeting. Some of the changes that have been mentioned previously include these:

- Increasing the frequency of rental property inspections.
- Requiring that rental permit applications include drawings/plans that show particular information:
  - All room sizes.
  - Use of each room.
  - Confirming that the size of bedrooms meets City Building Code.
- Amending the parking required for rental properties.
  - Currently, one off-street parking space is required for each resident over 18 years old, and no more than two spaces may be “double stacked” (located immediately behind another space).
  - Commercial parking (parking by anyone who does not reside at the property in exchange for any consideration) is prohibited aside from Game Days.
- Radon testing.

- Requiring any new rental property to be tested for radon and, if actionable levels are found, to have an approved radon mitigation system installed.
- Requiring ongoing testing at specified intervals (every X years).
- Requiring carbon monoxide monitors and requiring that they be linked to one another.
- Continuing to prohibit use as a “Rooming House” – a dwelling occupied by four (4) or more students enrolled in post-secondary education (but not including a dwelling occupied by a parent or guardian of at least one of the students).
- Requirements related to exterior esthetics – painting, repairs (roofing, siding, etc.), general upkeep.
- Regulating placement/storage of refuse/recycling containers (keep out of sight, remove from curb in a timely manner).
- Grandfathering existing rental permits with respect to some or all changes now being considered.
- Increasing the fees for rental permits to accommodate additional inspection and review by City Staff. Presently, rental permit fees are \$150.00 per year (plus \$75.00 fee for applications received after deadline and/or with incomplete information).

3. **Moving Forward.** With direction from the Council, City Staff (Terry Goerd, Brian Jensen, Chris Anderson, and I) will draft changes to the Rental Housing Code (Ordinance No. 110) for the Council’s consideration. Ordinance changes require three readings, unless the Council collapses those readings.

- Depending upon the Council’s desired changes, an Ordinance may be ready for first consideration February 11, 2020.
- My understanding is that there may be one or more Special Meetings set in March related to budget consideration, such that there will be sufficient time to enact changes before April 15, when the current moratorium on new rental permits expires.