

Memo

TO: Honorable Mayor and Members of the City Council
FROM: Ryan Mayer, Construction Services Administrator
DATE: May, 2021
RE: Single-Family Residential Occupancy Discussion



Clive Community Development Department

Background

Due to concerns for the potential overcrowding of rental housing units and the safety concerns associated, staff has been requested to review the Rental Housing Program Guidelines specifically related to the rental of one family, two family (duplex) and townhome properties. Recognizing the Iowa law change in 2018, which restricts cities' ability to regulate occupancy of residential rental properties based on familial or nonfamilial relationships, staff has reviewed concerns and has put together the following report.

Review

The investigation into the potential overcrowded rental housing units showed the number of tenants living within the units is following compliance with the occupant load tables used by the rental program and supported by the International Property Maintenance Code. The investigation, however, did expose some concerns with tenant and neighborhood safety due to how the units are being used/leased within the residential neighborhoods. A number of rental units have acquired a rent by room type strategy, which can create a more transient condition for neighborhoods and in some situations may lead to life safety concerns due to the multiple lease strategy. During one of the inspections, the tenant who walked us through the inspection did not know the names of the other tenants living within and did not have keys to allow us to access multiple bedrooms in the home. In addition, concerns for housekeeping responsibilities such as changing smoke detector batteries, general yard and shared space upkeep, parking arrangements, amongst other items are an issue with multi-lease properties where the home supports a large number of tenants. The risks associated with this type of rent strategy puts the homes use more in line with that of an apartment or hotel type use, without a management team on site daily to oversee and address the concerns in a timely fashion.

Staff feels the best way to address the increased safety risk for neighbors and the tenants is to only allow residential type rental units to have one lease with the owner, unless the owners want to make improvements to the property to reduce the safety risks. If multiple leases are desired by owners, the building codes identify the proper life safety precautions to take, due to the increased safety risks. The introduction of lodging house and boarding house to the residential rental program, as identified in the building codes, would be the appropriate measure to implement to address safety. Lodging house would allow multiple leases up to 5 guestrooms and a total of 10 occupants and will need to be owner occupied. This type of housing would include bed and breakfast type businesses, if approved by zoning to be within a residential neighborhood. If the owner does not desire to live in the home and multiple leases are desired, the home would be considered a boarding house and would need to meet the provisions of chapter 9 and 10 of the International Building Code (IBC). This would include the requirement for the installation of an automatic fire sprinkler system, fire alarm, proper exiting, emergency lighting etc. In all scenarios the occupant load table would still be used to calculate the total occupant load allowed. Lodging houses are the only option with the additional thresholds of 10 total occupants. This is due to the lodging house being regulated by the International Residential Code (IRC) where fire sprinkler, alarm, exiting, would not be a standard installation requirement.

Before the Building Code Appeals Board (BCAB) discussion regarding the proposed amendments, staff sent out informational letters and emails to all current rental owners who are registered in the program. In addition, we added supporting information to the city website and created a Facebook post. We received five responses from the community. Four of the written responses are attached to this memo. One of the responses was a phone call. The BCAB reviewed the proposal and recommended approval of moving the new requirements forward in the program.

Summary

Recognizing the safety risks associated with the scenarios presented above, staff recommends inserting the single lease requirement and the lodging house and boarding house provisions from the IRC/IBC to the Residential Rental Program. This option would be the most efficient means of reducing potential occupancy impacts along with increasing the safety within the units and neighborhoods. This will not eliminate all potential for large unrelated group occupancy; however, the enforcement of the provisions will provide a greater degree of building/occupant/neighborhood safety.

If additional regulation are deemed necessary, modification to the Zoning Ordinance could be considered. As these regulations would affect the use of land (both owner occupied and rental occupied), the development of appropriately calibrated regulations would take some time. Additionally, modification to the zoning ordinance inherently creates challenges related to permitted non-conforming circumstances (grandfathered conditions). It is anticipated that this option could be presented for Council consideration within 6 months.

If Council approves the amendments, staff will modify the program guidelines and registration forms to support the program amendments. All new rental units entering into the program would be required to follow the new guidelines. All existing rental units will need to make any necessary changes by the time their registration(s) are renewed in January 2023.

Please feel free to contact me at 223-6221 or at rmayer@cityofclive.com if you have questions or need additional information prior to the meeting.

Response #1

From: noreply@revize.com <noreply@revize.com>
Sent: Sunday, April 18, 2021 9:01 AM
To: Paula Venema <PVenema@cityofclive.com>
Subject: Citizen Request

Name = Jessica Dietz
Email = jddietz1@gmail.com
Phone = 515-782-7100

Issues = I am contacting in regards to the proposed changes in the rental housing program. I am fully in support of the new changes to require single-family dwelling rentals to have all occupants under one lease. We, in our neighborhood, are seeing single-family homes being rented to several people, all of whom are transient, causing traffic issues, safety issues (the police have been called by tenants because of violence issues), drug problems, and so on. We would welcome a family next door instead of many unrelated/non-family situations we are seeing. Thank you for considering these changes!

Respond Me = Email
Client IP = 50.82.81.20

Response #2

Thanks, Ryan.

This all looks very reasonable and well-intended to me, sir.

Have a great day!

Brad Neal

Owner - Renters Warehouse Iowa

Office: [515-528-4429](tel:515-528-4429) | Fax: [844-328-4863](tel:844-328-4863)

Renters Warehouse Iowa.

10306 Douglas Avenue, Urbandale, Iowa 50322

RentersWarehouse.com |

Licensed in Iowa

Response #3

From: noreply@revize.com <noreply@revize.com>
Sent: Thursday, April 8, 2021 10:42 AM
To: Paula Venema <PVenema@cityofclive.com>
Subject: Citizen Request

Name = charles goodall
Email = clgoodall@gmail.com
Phone = 5159889309

Issues = In response to the proposed changes to the rental code. I see no issues how the ordinance is currently. While the ordinance does not affect how I do business I can see no reason to restrict homeowners from utilizing their home how they wish. The reason people own single family homes is so that they are on under the guise of a HOA but the more restriction the city puts on the public the more the city is acting as a restrictive HOA.

Respond Me = Email
Client IP = 209.152.124.27

Response #4

The screenshot shows a Facebook post interface. At the top, it displays '557 People Reached' and '64 Engagements'. A blue 'Boost Post' button is visible. Below the metrics, it says '1 Comment'. The interaction bar includes 'Like', 'Comment', 'Share', and a dropdown menu. Under 'Most Relevant', there is a comment from 'Erika Hale' with a profile picture of a person with a red and blue circular logo. The comment text reads: 'I'm confused what is the cause of the change. When I read the documents, it listed illegal on-street parking, vehicles in the grass and noise from mowing. Those seem to be very small (petty) grievances. At first blush, it looks like you are trying to limit larger, multi-generational families from living in Clive. Which is not a pretty look.' Below the comment are the options 'Like · Reply · Message · 1d'.