

AGENDA
SPECIAL MEETING OF THE AMES CITY COUNCIL
CITY COUNCIL CHAMBERS - CITYHALL
515 CLARK AVENUE
JUNE 20, 2023

CALL TO ORDER: 6:00 p.m.

WORKSHOP:

1. Minimum Property Maintenance Code Discussion
 - a. Property Maintenance Code Comments – Due to technical constraints, this item must be viewed via “Links to Supplemental Materials” as it is not included in the Complete Council Packet.

2. Affordable Housing Strategy Discussion

DISPOSITION OF COMMUNICATIONS TO COUNCIL:

COUNCIL COMMENTS:

ADJOURNMENT:

Please note that this agenda may be changed up to 24 hours before the meeting time as provided by Section 21.4(2), *Code of Iowa*.

Staff Report

ADDITIONAL TOOLS FOR PROPERTY MAINTENANCE ENFORCEMENT

June 20, 2023

BACKGROUND:

In Summer 2020, staff had several code enforcement cases that they were struggling to achieve compliance with, which resulted in several communications from neighbors to the Council. At the City Council meeting on August 25, 2020, Council requested a memo from staff regarding recommendations for potential additions or changes to the Property Maintenance Code that would provide staff with additional enforcement tools.

Staff reviewed the Municipal Code and found that sections enforced by the Community Codes Liaison (CCL) spanned nine different chapters within the Code, resulting in contradictions and inconsistent language and enforcement processes. Additionally, staff reviewed ordinances from numerous other jurisdictions and found that most had one comprehensive property maintenance code that encompassed many of our existing codes and provided swift and effective compliance techniques.

On May 25, 2021, Staff presented the Council with a very rough draft of a proposed property maintenance ordinance ([report](#)) that consolidated current code requirements, added a few new sections based on previous complaints, added additional enforcement tools, and added an appeal process. Council requested that a workshop be scheduled to receive public input and that a website be established to gather input from those unable to attend a workshop.

A press release was issued after the Council meeting notifying citizens of the workshop on June 15, 2021 ([Staff Report](#)), and providing a [link](#) to an online survey on the proposed ordinance. This was also emailed to neighborhood associations and other interested parties (landlords, realtors, etc.) for their input. The workshop and survey results provided an abundance of input from the community (20 citizens spoke at the workshop and about 250 provided survey responses). Council decided to work with staff to set another workshop or place items by category on a future agenda for discussion.

PROPOSED ORDINANCE:

In preparation for a future meeting, staff compiled and studied the survey responses (Attachment A) and public input. The findings were incorporated into a second draft of the ordinance in hopes that it would provide clarification (many comments were that the ordinance was vague) and alternatives based on the feedback.

This Staff Report is broken down into four categories: (1) Protection of General Public (Traffic and Pedestrian Safety), (2) **Public Health** (Garbage, Junk, Vermin and Junk Vehicles), (3) **Protection of Property From Damage and/or Decay** (Vegetation, Structural, and Unoccupied and Unsecured Structures), and (4) **Other Considerations** (Graffiti and Parking). Attachment B summarizes this report and includes the initial proposed language, public comments, revised staff proposal based on comments and a possible motion for each item.

Protection of General Public:

Traffic and Pedestrian Safety:

1. **Vegetation over 12 inches in ROW** – Tall vegetation in the right-of-way may create visibility issues and sidewalk/roadway accessibility hurdles. The proposed section does not restrict the type of vegetation planted in the ROW, but limits it to 12 inches in height.

Initial Proposed Language from May 25, 2021 City Council Meeting:

Allowing vegetation located in the City right-of-way to grow in excess of 12 inches in height or to obstruct visibility to vehicle or pedestrian traffic is prohibited.

This proposal has been one of the most contentious of all. Many of those that spoke or provided comments appreciate the diversity of vegetation in the ROW. Some owners have planted native plantings, gardens, and flowers, all knowing that they may need to be removed for ROW work. Most comments acknowledged that if the vegetation created a visibility concern it should be addressed. It was clear the general consensus was to allow plantings in the ROW (at the property owner's expense and risk), but to restrict vegetation that creates visibility issues.

Staff supports requiring a buffer between the vegetation and the street or sidewalk (allowing vehicle access from the curb) and allowing vegetation that causes visibility concerns to be removed at staff's discretion instead of regulating overall height.

Possible Alternative based on Feedback from June 15, 2021 Workshop:

Plantings in the right-of-way would be prohibited from exceeding 12 inches in the area within one foot of the sidewalk or street. Plantings that cause visibility issues would be subject to removal, regardless of height, at the City's discretion. Non-vegetative materials such as trellises or chicken wire are prohibited in the right-of-way.

- 2. Vegetation hanging over/into ROW** – Historically, staff has required tree branches to be a minimum of 16 feet above the street (based on the height of Cy-Ride buses) and 10 feet above a sidewalk/bike path (to accommodate bicyclists). Staff has also required vegetation to be cut back so that it does not encroach into the sidewalk/bike path or roadway. However, these standards are not codified, making it much more difficult to educate property owners.

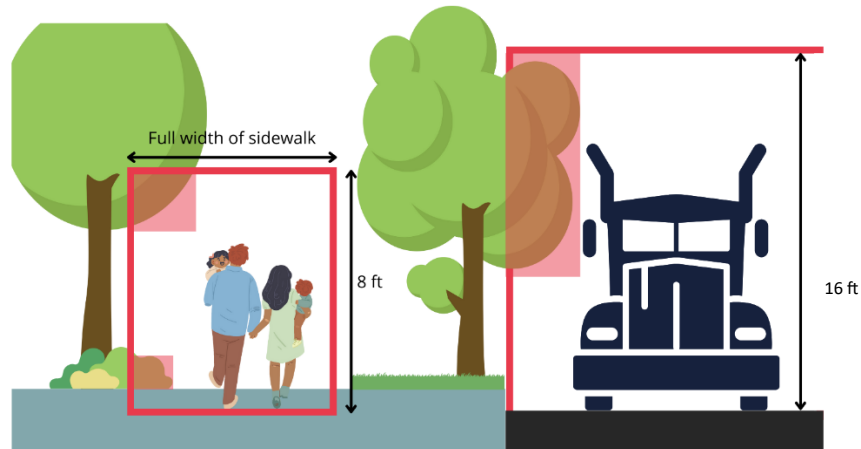
Initial Proposed Language from May 25, 2021 City Council Meeting:

Vegetation located on private property that hangs over or into public streets with less than 16 feet of clearance above the public street or vegetation located on private property that hangs over or into public sidewalks with less than 10 feet clearance above the sidewalk is prohibited.

Most of the comments in opposition to this section were concerns that the proposed minimum heights were too tall and that most homeowners would have a hard time trimming to this height. Comments indicated confusion over who had the responsibility to trim trees that originate on private property and hang over the ROW. Currently, that responsibility resides with the property owner of the tree. Additionally, multiple commentors thought the minimum height over a sidewalk should be reduced to eight feet. The Department of Transportation (DOT) requires a minimum of 10 feet above the sidewalk for any project receiving federal funding. **Staff recommends adhering to the DOT standard of 10 feet above sidewalks, including bike paths.**

Possible Alternative based on Feedback from June 15, 2021 Workshop:

Vegetation located on private property that hangs over or into public streets with less than 16 feet of clearance above the public street or vegetation located on private property that hangs over or into public sidewalks with less than 10 feet of clearance above the sidewalk is prohibited.



3. **Dangerous trees** – To be deemed dangerous, the tree must pose an immediate threat to the safety of persons or property in the right-of-way.

Initial Proposed Language from May 25, 2021 City Council Meeting:

Trees infected with infectious disease as identified by the City Forester or designee; or any dead, diseased or damaged trees or vegetation which may harbor serious insect or disease pests or disease injurious to other trees or vegetation, or any tree in such a state of deterioration that any part of such tree is likely to fall and damage adjacent property or cause injury to persons, must be removed.

Most of the concerns regarding this proposal were centered around the cost of tree removal and the burden it may place on low-income households. Clarification of the proposed language is provided in the alternative below. **Staff is not proposing to regulate trees that do not impact the right-of-way.**

Possible Alternative based on Feedback from June 15, 2021 Workshop:

Trees in such a state of deterioration, as determined by the City Forester, that any part of such tree presents an immediate threat to the safety of persons or property in the right-of-way must be removed.

4. **Placing/pushing snow/ice onto public streets** – Although Municipal Code currently prohibits the accumulation of snow and ice on public sidewalks, an issue that is frequently encountered during snow removal operations is the depositing of that snow and ice onto the streets after they have been plowed. These accumulations are susceptible to re-freezing, which can be a hazard to drivers and makes subsequent snow removal operations more difficult.

Initial Proposed Language from May 25, 2021 City Council Meeting:

Depositing ice or snow from private property, sidewalks, or driveways onto the traveled way of a public street so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein is prohibited.

The vast majority of comments regarding this proposal were concerns about City plows blocking driveways with snow or about having little space to put shoveled snow. The main concern is that snow placed on the street after plows have been through causes traffic issues and requires the plows to pass through a second time. **Staff recommends adding language that clarifies that this section only applies after the street has been cleared.**

Possible Alternative based on Feedback from June 15, 2021 Workshop:

Depositing ice or snow from private property, sidewalks, or driveways onto the traveled way of a public street after the street has been cleared so as to obstruct gutters or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein is prohibited.

- 5. Depositing mud/gravel/etc. on sidewalks** – The current code prohibits owners from allowing snow to accumulate on public sidewalks due to increased safety concerns related to slips and falls. Often, similar safety concerns arise when leaves, grass clippings, mud, or gravel runoff from private property is allowed to accumulate on public sidewalks. The proposed ordinance would allow these accumulations to be addressed.

Initial Proposed Language from May 25, 2021 City Council Meeting:

The depositing or allowing the depositing of any mud, dirt, gravel, or other debris on any public street, sidewalk, or other public property is prohibited.

There were few concerns regarding the proposed section. Concerns that were raised were related to the amount of time debris could be on the sidewalk before becoming a violation and what to do about those properties with gravel driveways where gravel on the sidewalk may be a regular occurrence.

As a reminder, the current Municipal Code, ([Sec. 22.2](#)), already requires snow, ice and accumulations to be removed from the sidewalk within 10 daylight hours of the cause of accumulation. The proposed section is just specifying other types of debris that also need to be removed. These are currently enforced under “accumulations”. **Staff recommends the addition of mud, gravel, grass**

clippings and leaves to the understanding of what is consider “accumulations”.

Possible Alternative based on Feedback from June 15, 2021 Workshop:

No owner shall, for a period of ten (10) daylight hours after the cessation of the storm or cause of accumulation, permit snow, ice, mud, gravel, grass clippings, leaves or other accumulations to remain on the adjoining and abutting sidewalks. (this is the current standard in Sec. 22.2(2) of the Municipal Code – with the addition of mud, gravel, grass clippings, and leaves)

- 6. Open holes/excavations for up to 30 days** – Open construction sites, wells, etc. can be a safety hazard. These holes would need to be secured or covered. This issue excludes fire pits and window wells.

Initial Proposed Language from May 25, 2021 City Council Meeting:

Any manmade excavation, hole, or other depression in the ground in or on any lot or parcel of land in the city of a depth of more than three feet below the surrounding grade, other than as part of the active construction of a building or other structure on the lot which will ultimately close in and completely cover such excavation, hole or depression is prohibited from existing for more than 30 days. Upon a finding by the enforcement officer that the owner of the lot or parcel of land has violated the provisions of this subsection, the lot owner shall be required to fill in any such excavation, hole or depression and grade the same to a topographic elevation equal to or level with the surrounding adjacent grade, and seed the site with grass or similar vegetative ground cover, and take reasonable measures to ensure the proper germination of the planted vegetation.

Many of the comments received were in support of this concept but needed more clarification on what an active building project was and wanted the time frame to be shorter. An active building project would be one for which there is a valid building permit on file and work is progressing in a typical time frame. Some comments questioned if the section included egress window wells or fire pits. **Staff recommends eliminating the timeframe and exempting window wells and fire pits.**

Possible Alternative based on Feedback from June 15, 2021 Workshop:

Any excavation, hole, or other depression in the ground in or on any lot or parcel of land in the city of a depth of more than three feet below the surrounding grade, other than as part of the active construction of a building

or other structure on the lot which will ultimately close in and completely cover such excavation, hole or depression is prohibited from existing. Upon a finding by the enforcement officer that the owner of the lot or parcel of land has violated the provisions of this subsection, the lot owner shall be required to fill in any such excavation, hole or depression and grade the same to a topographic elevation equal to or level with the surrounding adjacent grade. Exceptions: egress window wells, fire pits, or excavations completely secured by a fence or similar method.

Public Health:

Garbage and Junk Accumulation on Property:

- 1. Leaving garbage receptacles at the curb for more than 24 hours** – The [Rental Code](#), (Section 13.410.2), currently prohibits leaving garbage receptacles out for more than 24 hours, but there is no requirement for owner-occupied properties. Receptacles left at the curb can cause visibility issues and can be blown over, depositing litter onto neighboring properties.

Initial Proposed Language from May 25, 2021 City Council Meeting:

Garbage or refuse set outdoors in any bag or container other than a trash disposal container is prohibited. Trash disposal containers must be constructed of a hard water-tight material. Containers cannot be left at the curb for more than 24 hours and must be placed behind the front yard or indoors when not set out for pick-up, unless located in an enclosure shown on an approved site plan.

Most of the comments on this item were regarding the time frame the receptacles can be left out. It's important to clarify that the receptacle would have to be left out for more than 24 hours, then a citizen would have to report that the receptacle has been left out. Upon receiving a complaint, an inspection would be conducted over a 24-hour timeframe to confirm the receptacle has not moved. If it is determined the receptacle has not moved, staff will contact the property owner, educate them on the code requirement, and ask for compliance.

Comments in opposition to this proposal were that it was 'government overreach' and 'nitpicky'. The intent of this section was mainly to bring the same standard to owner-occupied properties as is imposed on rental properties. While tipped over receptacles can cause litter issues and may obstruct visibility from time-to-time, the number of occurrences and complaints for this issue are few and far between.

Staff supports increasing the time frame that the trash receptacle can remain at the curb from 24 hours to 48 hours and requiring the receptacle to be stored inside or behind the front yard. However, in order to be consistent with the Rental Code, Staff will be requesting a similar change at a later date for rental units.

Possible Alternative based on Feedback from June 15, 2021 Workshop:

a) Garbage or refuse set outdoors in any bag or container other than a trash disposal container is prohibited. Trash disposal containers must be constructed of a hard water-tight material. Containers cannot be left at the curb for more than 48 hours and must be placed behind the front yard or indoors when not set out for pick-up, unless located in an enclosure shown on an approved site plan.

- 2. Allowing garbage, junk, yard waste to be stored** – This is currently prohibited under the outdoor storage section of the Zoning Code, which defines outdoor storage as items stored for more than 72 hours. The Initial Proposed Language Presented on May 25, 2021 Council Meeting: combines garbage and junk into one section and prohibits outdoor storage for up to 48 hours rather than 72 hours. Yard waste will be allowed to be stored outdoors for up to seven days and may remain as long as composting is being conducted in accordance with State of Iowa code.

Initial Proposed Language from May 25, 2021 City Council Meeting:

Allowing refuse, garbage, junk, noxious substances, or hazardous wastes to be collected or to remain in any place for more than 48 hours is prohibited.

The majority of those in opposition to this section did not approve of the 48-hour timeframe. The change from 72 to 48 hours is primarily to help expedite enforcement. **However, staff recommends keeping the timeframe at 72 hours.**

Possible Alternative based on Feedback from June 15, 2021 Workshop:

Allowing refuse, garbage, junk, noxious substances, or hazardous wastes to be collected or to remain in any place for more than 72 hours is prohibited.

As proposed, the yard waste standard would not change from what is currently in the code (allowed to remain for 7 days). Additionally, many comments questioned the ability to compost. Composting is currently, and will continue to be, allowed under the proposed code.

Existing Municipal Code Language [Sec. 10.9](#):

Yard Waste stored on the exterior of a property in anything other than a trash disposal container for longer than seven days. Yard waste may be retained for longer than seven days if composting is being completed. Composting shall comply with the state regulations contained in Chapter 105 of the Iowa Administrative Code.

(a) Composting piles may include: yard waste including leaves, grass clippings, straw and hay, sawdust, and finely chopped shredded tree and shrub prunings; kitchen scraps including fruit and vegetable trimmings (including rhubarb leaves), coffee grounds, and eggshells; shredded newspapers; wood ashes (no more than one cup per bushel of compost).

(b) Composting piles cannot include: human or animal feces; diseased plant material or weeds that have gone to seed; kitchen scraps that include animal meat, bones or fat; and all other materials not listed in subsection (a) above.

Insect Breeding Grounds and Vermin Habitat:

- 1. Allowing stagnant water to pool** – Stagnant water creates a breeding ground for mosquitos. Stagnant water means standing water that is trapped and does not circulate. (This excludes: bird baths, koi ponds, landscape water features)

Initial Proposed Language from May 25, 2021 City Council Meeting:

Allowing to exist any stagnant water standing on any property, including any open container or material kept in such a condition that water can accumulate and stagnate therein, creating a breeding ground or habitat for insects or rodents is prohibited.

Most of the comment card concerns regarding stagnant water had to do with defining what stagnant water was. The proposed ordinance defines stagnant water as: **Standing water that is trapped and does not circulate.**

This definition does not include bird baths or regularly used recreational pools. Additional concerns were regarding the length of time the water would need to be stagnant before considered a violation. **Staff recommends adding a 48-hour timeframe to the proposed language. This would allow water to dissipate**

after heavy rain events and still give staff the ability to enforce on situations that become nuisances.

Possible Alternative based on Feedback from June 15, 2021 Workshop:
Allowing to exist any stagnant water on any property for more than 48 hours, including any open container or material kept in such a condition that water can accumulate and stagnate therein, creating a breeding ground or habitat for insects or rodents is prohibited.

- 2. Conditions that harbor vermin** – These conditions are currently described in the Junk Vehicle Code, but there are times when conditions such as this may need enforcement where no junked vehicle is involved.

Initial Proposed Language from May 25, 2021 City Council Meeting:
Allowing to exist conditions which are conducive to the harborage or breeding of vermin; or allowing to exist infestations of vermin, such as rats, mice, skunks, snakes, bats, starlings, pigeons, wasps, cockroaches or flies is prohibited.

Opposition to this proposal was primarily due to uncertainty as to what constituted vermin. It's likely that if there were an issue with vermin on a property, there are also other violations such as garbage or outdoor storage. **Staff supports eliminating the initial proposed language from the May 25, 2021 City Council Meeting.**

Junk Vehicles:

- 1. Junk Vehicles** - Are currently regulated through [Chapter 30](#) of the Municipal Code. This chapter prohibits vehicles that have been deemed 'junked vehicles' from remaining on a property for more than 48 hours. It also prohibits vehicles that are not deemed 'junk vehicles' from being kept on residential property for more than 15 days and on commercial property for more than one year. Exemptions from the junked vehicle prohibitions include junked vehicles parked inside enclosed structures, behind opaque walls at least six feet in height, covered with a tight-fitting vehicle cover, or upon the premises of an authorized salvage yard.

Most of the other jurisdictions surveyed did not specify a timeframe for how long a junked vehicle could be stored on a property before a violation occurs. This means that having a junked vehicle on the property at any time would constitute a violation. The City of Clive prohibits junked vehicles after they have been on the

property for 24 hours; a few other cities prohibit junked vehicles after 48 hours, as is currently the standard in Ames.

Regarding vehicles that have not been declared junked, only one other jurisdiction, the City of Norwalk, regulates the amount of time they can be stored on a property. It appears the Ames Municipal Code and Norwalk Code are identical and prohibit the storage of operable vehicles on private property for longer than 15 days without moving.

Existing Language:

“Junked” means any vehicle, trailer, or semitrailer stored for 48 hours within the corporate limits of Ames, Iowa, whether currently licensed or not, which because of any one of the following characteristics constitutes a threat to the public health, welfare, and/or safety;

- (a) Any vehicle, trailer, or semitrailer which is rendered inoperable because of a missing or broken windshield or window glass, fender, door, bumper, hood, steering wheel, driver’s seat, trunk, fuel tank, two or more wheels, engine, drive shaft, differential, battery, generator or alternator or other component of an electrical system, or any component or structural part;*
- (b) Any vehicle, trailer, or semitrailer which has become the habitat of rats, mice, snakes or any other vermin or insects;*
- (c) Any vehicle, trailer, or semitrailer which contains stored gasoline or other fuel, paper, cardboard, wood or other combustible materials, garbage, refuse, solid waste, debris, etc.;*
- (d) Any vehicle, trailer or semitrailer used for storage purposes or harborage, cage or dwelling for animals of any kind;*
- (e) Any other vehicle, trailer, or semitrailer which because of its defective or obsolete condition in any other way constitutes a threat to the public health or safety of the citizens of Ames, Iowa;*
- (f) Any vehicle which contains gasoline or any flammable fuel and is inoperable.*

It is hereby declared that the storage of any junked vehicles, trailers, or semitrailers on private property within the corporate limits of Ames, Iowa, for 48 hours, is unlawful, unless exempt by Section 30.9 of this chapter, and constitutes a threat to the health, welfare and safety of the citizens thereof, and is declared to be a nuisance.

Exemptions:

- 1. Vehicles, trailers or semitrailers stored within a garage or other enclosed structure or which are kept concealed and enclosed behind*

an opaque wall at least six feet in height, or completely covered by a tight fitting opaque cloth vehicle cover or tight fitting cloth tarpaulin;

2. *Vehicles, trailers, or semitrailers stored upon the premises of a duly authorized salvage yard or junk yard and meeting the requirement of the Ames Municipal Code.*

In as much as it is found that the storage of motor vehicles, which are not deemed to be junked, out of doors can detract from the beneficial use and enjoyment of neighboring properties, certain special regulations are established as follows:

1. *No person shall keep, store or display one or more motor vehicles out of doors on property zoned for residential use, or permit the parking out of doors of a motor vehicle on residentially zoned property under their ownership, possession or control for more than fifteen (15) days without movement and use of said vehicle as an operating motor vehicle.*
2. *No person shall store or display one or more motor vehicles out of doors on property zoned for commercial use, or permit the parking out of doors of a motor vehicle on commercially zoned property under their ownership, possession or control for more than one year without movement and use of said vehicle as an operating motor vehicle.*
3. *The provision of subsection (2) notwithstanding the keeping, parking or storage, out of doors, of any wrecked or demolished motor vehicle, or motor vehicle stripped for parts, at the same commercially zoned site for more than one hundred eighty days is prohibited.*
4. *The following shall be exempt from the regulations of this section:*
 - a. *Vehicles kept in a garage or other enclosed structure or which are kept concealed and enclosed behind an opaque wall at least six feet in height, or completely covered by a tight fitting opaque cloth vehicle cover or tight fitting cloth tarpaulin.*
 - b. *Vehicles kept in commercial automobile salvage yards lawfully established and existing prior to January 1, 1982.*
 - c. *A "motor home", pickup truck with camper top, converted bus or van, or similar recreational vehicle, which is currently licensed for operation on the public highways.*
 - d. *A motor vehicle currently licensed for operation on the public highways and lawfully parked off the streets while the owner or other person in lawful possession and control thereof, if a*

resident of this city, is out of the city for more than fifteen (15) days but not more than one hundred eighty days.

- e. Vehicles which are immobilized pursuant to an immobilization order of the District Court.*

The proposed language was intended to keep the same regulations as the existing, but in a condensed format. Many of the comments in opposition to regulating junked vehicles were regarding the definition of junked vehicle (this was not published with the survey, so respondents did not know how the code defined a junked vehicle).

Staff maintains that the existing definition of junked vehicle adequately addresses inoperable vehicles or those in major disrepair. Staff recommends that the 48-hour timeframe be retained as it is no change from the current ordinance and is enforceable. Increasing the timeframe makes it harder to prove the junked vehicle has not moved for enforcement purposes.

Most of the comments regarding the requirement to move an operable vehicle on private property every 15 days were against the restriction. Many felt that operable vehicles should not be regulated at all or that the timeframe should be increased. **Staff currently has difficulties enforcing the 15-day requirement, so lengthening it would not be recommended. Instead, staff recommends removing this regulation and enforcing only on junked vehicles.**

Possible Alternative based on Feedback from June 15, 2021 Workshop:
Remove the following language from Chapter 30, Sec. 30.10.

(1) No person shall keep, store or display one or more motor vehicles out of doors on property zoned for residential use, or permit the parking out of doors of a motor vehicle on residentially zoned property under their ownership, possession or control for more than fifteen (15) days without movement and use of said vehicle as an operating motor vehicle.

(4)(d) A motor vehicle currently licensed for operation on the public highways and lawfully parked off the streets while the owner or other person in lawful possession and control thereof, if a resident of this city, is out of the city for more than fifteen (15) days but not more than one hundred eighty days.

Protection of Property From Damage and/or Decay

Vegetation:

- 1. Dense growth of vegetation** – Dense vegetation may cause issues with ingress/egress from a structure, can be a fire hazard, and may provide concealment for criminals.

Initial Proposed Language from May 25, 2021 City Council Meeting:

Dense growth of all vines, brush or other vegetation, including dead bushes, and dead woody plants, or other overgrown or unkempt bushes or other growth is prohibited.

Those with concerns on this proposal were primarily concerned with the ambiguity regarding the word 'dense'. **Staff supports adding language that specifically addresses the ability to egress and ingress a structure instead of addressing vegetation.**

Possible Alternative based on Feedback from June 15, 2021 Workshop:

Vines, brush or other vegetation, including dead bushes, dead woody plants, overgrown or unkempt bushes that restrict egress from or ingress to the inside of a structure is prohibited.

Structural Integrity:

- 1. Exterior structural requirements (siding, roofing, decks)** – Inadequate coverings (roofing, siding, paint, etc.) allow rain, snow, and vermin to enter. These conditions can cause rapid deterioration of a structure. Currently, there are no standards for structural maintenance until the structure is in such disrepair that it can be deemed dangerous. The ability to facilitate the abatement of these issues early increases the life of the structure, minimizes the overall impact to the home, and maintains property values for adjacent properties.

Initial Proposed Language from May 25, 2021 City Council Meeting:

All structures, including detached accessory structures, on any commercial, residential, agricultural or industrial property shall be free from significant structural defects. The term "free from significant structural defect" means:

- (a) The roof and roofing material are of such a nature and condition that they do not permit water, snow or ice to penetrate the structure. Roofing materials shall be in good condition and made up of consistent materials and consistent coloration throughout the roof area.*

- (b) Drainage gutters and downspouts, if present, are securely attached to the structure and in proper functioning order.*
- (c) All exterior trim and exterior exposed surfaces, including siding materials, must be sound, in good condition and securely attached to the structure.*
- (d) Exterior walls must be free of holes and made of a consistent material, such that patches or repairs consisting of dissimilar materials or colors compared to the prevailing surface material of the exterior walls are not present.*
- (e) The foundation of the structure is sound, capable of supporting the structure and not deteriorated to the point that failure is judged to be inevitable, but not necessarily imminent. The foundation shall be plumb and free from cracks, breaks and holes to prevent the entry of animals.*
- (f) Windows and doors, including outer screen or storm windows and doors, must be intact, containing no holes, squarely hung with properly operating latches or locks to be securely closed, and where the windows have intact glass or normal window material that allows the entry of light with no holes in said window surface areas. No plastic wrap material or tarps shall be used to substitute for doorways or windows.*
- (g) All exterior components serving doors and windows, including, but not limited to, steps, porches, ramps, landings, handrails, and guardrails must be of a secure and safe design, be made of standard building materials and be intact, with no protruding or loose boards or surface materials causing a hazard.*
- (h) Exterior wall surfaces are properly painted and/or maintained with appropriate exterior wall materials, including wood, vinyl, steel or metal siding materials, stucco or exterior insulation finish system (EIFS) materials, brick or similar masonry materials, that are in all cases intact, not in a condition of deterioration, are of uniform coloration and are not patched with dissimilar materials. Plastic wrap material shall not be considered an acceptable siding material. No flaking or chipped paint or outer loose material dominates or detracts from the exterior appearance of the structure.*
- (i) All fencing, including gates, shall be maintained in good condition, free from damage, breaks, holes or missing structural members. All fencing shall be of consistent materials and coloration.*
- (j) All exterior wires which are hanging or unsecured on the exterior of the structure must be fastened to the structure in order to avoid life safety issues.*

Many of the comments on this item were regarding a homeowner's ability to make needed repairs and the vagueness of the proposal. **Staff maintains that the**

proposed language above adequately defines significant structural defects, addressing many of the citizen’s concerns, and staff is not recommending any alternatives at this time.

Unoccupied & Unsecured Structures:

- 1. Vacant, unsecured structures** – These structures allow people to enter the structure (squatters), and dangerous conditions have resulted (e.g., fires) in some instances. A shed or garage on the same property as one’s home is not considered to be vacant.

Initial Proposed Language from May 25, 2021 City Council Meeting:

Unoccupied buildings or unoccupied portions of buildings which are unsecured are prohibited.

The majority of the comments regarding this proposal stated that clarification was needed to understand the type of structures the restrictions would be imposed on. Many concerns were raised about having to lock sheds on residential properties. The intent of the section is to help keep vacant properties secure. Sheds located on properties that have an occupied primary structure would not fall into this category. **Staff recommends adding language that clarifies how this section applies to accessory structures.**

Possible Alternative based on Feedback from June 15, 2021 Workshop:

Unoccupied buildings or unoccupied portions of buildings which are unsecured are prohibited. Accessory structures on properties where the primary structure is occupied are not considered unoccupied buildings.

Other Considerations:

Graffiti:

- 1. Graffiti removal** – Rapid graffiti remediation is essential in reducing the amount of graffiti. The proposed ordinance will prohibit graffiti from being left on any property for more than 48 hours. **Graffiti removal is currently addressed in the Rental Code but is often found on commercial properties that are not rentals, leaving staff with no enforcement ability.** For purposes of this issue, graffiti is paintings or markings made without the consent and direction of the property owner.

Initial Proposed Language from May 25, 2021 City Council Meeting:

All real property defaced by graffiti vandalism, which is visible to the public view and has not been removed within 48 hours of notification by the enforcement officer is prohibited.

Comments regarding the proposed graffiti language were mainly focused at defining graffiti. Some respondents felt that 48 hours was too short of a timeline to have graffiti removed because it can be an extensive process. **Staff recommends adding the following definition of graffiti and extending the timeframe to 7 days.**

Any marking, inscription, drawing, picture, letter, number, symbol or other defacement or other written communication, etched, scratched, or made with spray paint, paint, ink, chalk, dye, or similar substance, or in any manner, on any public or private property, including, but not limited to, streets, sidewalks, buildings, walls, bridges, fences, or other structures which was made without the consent and under the direction of the owner of such property.

Possible Alternative based on Feedback from June 15, 2021 Workshop:

All real property defaced by graffiti vandalism, which is visible to the public view and has not been removed within 7 days of notification by the enforcement officer is prohibited.

Vehicle Storage:

- 1. Recreational vehicle parking** - Is currently allowed up to 72 hours when parked behind the front yard setback on an approved surface and not used for habitation.

Existing Language:

Manufactured homes, mobile homes, travel trailers, or recreational vehicles shall not be parked, stored, or occupied on any property which is not part of an approved manufactured home park, or the permanent installed site of a manufactured home. However, the parking of one (1) unoccupied travel trailer or recreational vehicle, boat, or boat trailer is permitted behind the front yard setback of the lot in any district, provided the travel trailer or recreational vehicle, boat, or boat trailer is not used for living quarters or business purposes.

In addition to the above code language regarding the parking of recreational vehicles, development standards in the Zoning Code prohibit the storage of vehicles for more than 72 hours. In summary, existing code would allow

recreational vehicles to be parked behind the front of the house on an approved surface for up to 72 hours without moving.

In an effort to consolidate code section into one chapter, staff will no longer be utilizing the development standards within the Zoning Code for enforcement purposes. Therefore, the proposed ordinance would allow the parking of recreational vehicles behind the front of the house for any period of time as long as the vehicle is not being used for habitation or business purposes and it is parked on an approved surface. Staff recommends adding trailers to the list of permitted items as they are currently not regulated.

Possible Alternative based on Feedback from June 15, 2021 Workshop:
Travel trailers, recreational vehicles, boats, and boat trailers parked in the front yard are prohibited. Parking of travel trailers, recreational vehicles, boats, and boat trailers are permitted behind the front yard so long as they are not being used for habitation or business purposes and they are parked on an approved parking surface.

Grass Height:

- 1. Turf grasses exceeding 12 inches on private property** – Currently, registered rental properties are required to keep their turf grasses under 12 inches per the [Rental Code \(Sec. 13.406.9\)](#). There is no equivalent standard for other property types, which makes it possible that two properties right next to each other would be held to different standards. By calling out turf grasses specifically, owners that would like to have taller native vegetation are still able to do so.

Initial Proposed Language from May 25, 2021 City Council Meeting:
Allowing turf grasses to exceed 12 inches in height is prohibited.

Opposition to this proposal was primarily the result of owners wanting to have native vegetation on their property. The ordinance, as proposed, only restricts the height of turf grasses and does not address other vegetation including native species, flowers, bushes, trees, gardens, etc.. **Staff recommends a 12 inch maximum height for turf grasses.**

ASSISTANCE PROGRAMS:

One of the most common comments in the comment cards and during public input was that the proposed ordinance would have a disproportionate impact among property

owners with low incomes, disabilities, or mental health issues. Many of those that spoke thought that the City should have some program to help those in need. Staff reviewed a handful of other jurisdictions with similar ordinances to determine how these cases are handled.

Current Ordinance:

The Ames Municipal Code currently has a provision in the Dangerous Building Section of Chapter 5 that addresses abatement for low-income and elderly persons:

Sec. 5.414. Cost of Abatement; Low Income, Elderly Persons.

- 1.) *Policy. Notwithstanding the other provisions of this code, the cost of abating a dangerous building may be waived for low income and elderly persons, if upon application it appears to the Building Official that the conditions set forth in subsection (2) are met.*
- 2.) *Eligibility. To be eligible for waiver of abatement costs a person must be classified as "low income", defined as having household income of not more than 50% of the Story County median income.*
- 3.) *Other eligibility requirements. Additionally, all persons wishing to qualify for waiver or nuisance abatement costs must:*
 - a. *Furnish proof of the income requirements as set forth above in the manner and form designated by the Building Official; and*
 - b. *Must own, or be in the process of purchasing the property from which the nuisance is abated; and*
 - c. *The property from which the nuisance is abated must be their primary residence.*
- 6.) *Amount. The Building Official shall have the authority to waive up to \$1,000 per calendar year, for any one parcel of real property or any one person. Requests for waiver in excess of that granted by the Building Official shall be subject to approval of the City Council.*

Other Local Options:

The Story County Housing Trust offers an owner-occupied repair program with reimbursement up to \$8,000. Repairs of major building systems (roof, foundation, electrical, etc.), repairs that will delay or prevent major replacement, or repairs that have been delayed addressing other priority concerns.

The Volunteer Center of Story County (now closed) used to operate 'Ames Repair and Care', a program that matched homeowner needs with volunteers to complete specific tasks related to the property (mowing, painting, debris removal, etc.). There has been recent success with the 'Repair Café' where citizens can bring household items to volunteers with the knowledge to repair such items. 'Rummage Rampage' has also had success benefiting local non-profits through volunteerism (there are 80 organizations registered this year). Staff suggests establishing a program similar to 'Ames Repair and Care' that utilizes the time and talent of our citizens to benefit the community and help those in need.

Other Jurisdictions:

Staff surveyed several other jurisdictions that have similar maintenance ordinances and found that many have financing programs for homeowners under the area median income within their jurisdiction. The City of Iowa City offers \$10,000 to \$40,000, 20-year loans, at 2.75% for home improvements. Another program they have offers zero interest loans. The City of Cedar Falls offers grants up to \$20,000 for rehabilitation projects to meet local codes and up to \$10,000 for general repairs.

The Des Moines metro area has a Metro Home Improvement Program and includes the cities of Ankeny, Altoona, Bondurant, Grimes, Polk City, Urbandale, West Des Moines, Windsor Heights and Dallas County. This program offers a 5-year forgivable loan for up to \$12,500 for home improvements. Applicants must have an income less than 80% of the area median income for Polk County, their property must be assessed at under \$200,000 and the property must be their primary residence.

APPEAL PROCESS:

Because the code sections currently utilized are scattered throughout the Municipal Code, the appeal processes vary. Currently, three different Boards have jurisdiction over the types of violations the proposed ordinance addresses: Property Maintenance Appeals Board, Building Board of Appeals, and Zoning Board of Adjustment.

It is important that any person affected by enforcement action under the new ordinance has the ability to appeal the violation determination the same as they would under the current code. It is equally important that the appeal process be accessible and easy to follow for the appellant. **For this reason, the new ordinance proposes the creation of a separate board to hear appeals of this Chapter.** The proposed appeal process mimics that of the Property Maintenance Appeal Board and the Building Board of

Appeals. The make-up of the Board includes neighborhood representatives from each ward, much like the City Council, and will meet monthly.

ENFORCEMENT PROCESS:

There were many concerns during the workshop and in the survey responses about the enforcement process. The current enforcement process offers many opportunities for compliance before a citation is issued. For example, an outdoor storage case would go through the following process:

1. Inspection to verify a violation exists
2. Initial notice to property owner regarding the violation with a compliance date (usually 7-10 days)
3. Re-inspection to determine if property is in compliance
4. If not in compliance, a second violation notice will be issued to the property owner with a compliance date (7-10 days)
5. Re-inspection to determine if property is in compliance
6. If not in compliance, a final notice sent by certified mail with a compliance date (7-10 days)
7. Re-inspection to determine if property is in compliance
8. If property is not in compliance, staff must take photos for four consecutive days to show that the item has not moved in that time.
9. If still not compliant on day 4 a citation will be issued (or other form of enforcement)

This process is extremely lengthy and could take up to 6-8 weeks. Council should remember that staff follows a philosophy of compliance through education. Citations are not typically used as 'punishment'. Rather, they are issued so that staff can get a court order to be allowed on the property and abate the violation.

Unfortunately, even after staff completes the nine steps highlighted above, the citation process that follows could take up to an additional 3-4 months. Once a citation is forwarded to the Legal Department, it is reviewed by an attorney and then sent by certified mail. The postal service has two weeks to attempt service (there have been instances when the citation has been unable to be served). Once served, a court date is set for the defendant to plead guilty or not guilty. If they enter a plea of not guilty, a court date is set, which is roughly 30 days out. Meanwhile, the violation continues to exist, and enforcement is put on hold. It is only when the court finds the defendant guilty that the City can then request permission from the court to enter the property, abate the violation,

and assess the abatement costs back to the owner. However, it's always possible the court denies the request leaving staff with no tools for compliance.

Because the citation process is lengthy and costly and not always effective; staff has included the addition of an abatement tool in the proposed ordinance. With this abatement tool, City staff may enter the property to address the nuisance, then bill costs back to the owner. If the owner fails to pay the costs, the City Council may approve assessing those costs to the owner's property. This mechanism is similar to the existing process for sidewalk snow and ice removal enforcement, where timeliness is important. It is not a requirement that abatement be utilized, and it does not prohibit a citation from being issued. Research of other jurisdictions shows that many ordinances allow for abatement as an enforcement tool instead of relying on a citation.

NEXT STEPS:

The "Possible Alternatives" outlined in this report take into consideration the feedback received on each topic and are incorporated into a draft ordinance that includes customer driven alternatives. While still very preliminary, the draft ordinance allows the public an opportunity to see the proposals in context and incorporates definitions. This should eliminate some of the concerns about sections being vague and provide them more substance to comment on.

Staff would recommend the following process:

- 1.) Council should utilize Attachment B, to make a motion on each of the following categorized topics:
 - a. Vegetation over 12 inches in ROW
 - b. Vegetation hanging over/into ROW
 - c. Dangerous trees
 - d. Placing/pushing snow/ice onto public streets
 - e. Depositing mud/gravel/etc. on sidewalks
 - f. Open holes/excavations for up to 30 days
 - g. Leaving garbage receptacles at the curb for more than 24 hours
 - h. Allowing garbage, junk, yard waste to be stored
 - i. Allowing stagnant water to pool
 - j. Conditions that harbor vermin
 - k. Junk Vehicles

- l. Dense growth of vegetation
 - m. Exterior structural requirements
 - n. Vacant, unsecured structures
 - o. Graffiti
 - p. Recreational vehicle parking
 - q. Turf grasses exceeding 12 inches on private property
- 2.) Direct Staff to bring back a draft ordinance with Council's revisions on the June 27 City Council Meeting for public input and final council discussion.
- 3.) Direct Staff to place a proposed ordinance that incorporates the preferred alternatives on the July 11 City Council Meeting for approval on first reading.

STAFF COMMENTS:

The tools in the proposed ordinance will have a major benefit when it comes to enforcement of nuisance issues. However, staff understands that some of the new regulations may be contentious to property owners. It will be important to balance the freedoms of property ownership with the freedom to enjoy one's property.

Staff recognizes the significance of this proposed ordinance and has attempted to maximize the number of customer feedback opportunities by utilizing multiple press releases, hosting a dedicated Property Maintenance Code webpage, conducting a communitywide survey, multiple City Council Meetings, and hosting two workshops. The proposed ordinance is based on customer driven feedback and over a decade of experiences from the City's Community Codes Liaison working with customer and their concerns with the current codes and lack thereof.

Summary of Proposed Revisions

1. Vegetation in ROW

Initial Staff Proposal: 12" maximum vegetation height in ROW

Public Comments: Want the ability to plant a variety of species. Supportive of prohibiting vegetation causing visibility issues. Not supportive of 12" maximum.

Revised Staff Proposal: 12" maximum within 1' of sidewalk or street. No other maximum height. Vegetation can be removed if causing a visibility issue.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th the alternative language that prohibits plantings in the ROW from exceeding 12" within 1' of the street and sidewalk and allows staff to require any vegetation creating a visibility issue to be removed.

2. Vegetation Encroaching into ROW

Initial Staff Proposal: Vegetation hanging over streets must have a 16' clearance and vegetation hanging over sidewalks and bike paths must have a 10' clearance.

Public Comments: Confusion over who maintained these areas. Height over sidewalk should be 8' so that homeowners can reach it.

Revised Staff Proposal: Same as initial as 10' is DOT standard.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th the initial proposed language that requires a 16' clearance over public streets and a 10' clearance over sidewalks and bike paths.

3. Dangerous Trees

Initial Staff Proposal: Prohibits dangerous trees that could fall and damage adjacent property or people.

Public Comments: Tree removal is expensive.

Revised Staff Proposal: Prohibits dangerous trees that pose an immediate threat to people or property in the ROW.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th the alternative language that prohibits dangerous trees that pose a threat to the ROW.

4. **Placing Snow/Ice Onto Public Streets**

Initial Staff Proposal: Prohibits snow and ice from being pushed onto the public street.

Public Comments: The City blocks driveways. Little space for shoveled snow.

Revised Staff Proposal: Prohibits snow and ice from being pushed onto the public street after the street has been cleared.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th the alternative language that prohibits snow and ice from being pushed onto the public street once the street has been cleared.

5. **Depositing Mud/Gravel/Etc. on Sidewalks**

Initial Staff Proposal: Prohibits depositing mud, dirt, gravel and other debris on sidewalk.

Public Comments: Specify amount of time debris can remain.

Revised Staff Proposal: Prohibits snow ice, mud, gravel, grass clippings, leaves, etc. to remain for more than daylight 10 hours after the cause of the accumulation.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th the alternative language that prohibits accumulations of snow ice, mud, gravel, grass clippings, leaves, etc. from remaining on a sidewalk for more than 10 hours after the cause of the accumulation.

6. **Open Holes/Excavations**

Initial Staff Proposal: Prohibits open holes from continuing for more than 30 days.

Public Comments: Define active building project. Shorter timeframe. Does it include egress window wells or fire pits.

Revised Staff Proposal: Prohibits holes from existing for any period of time and exempts egress window wells, fire pits, active building permits, etc.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th the alternative language that prohibits holes from existing and clarifying exceptions.

7. Leaving Garbage Receptacles at the Curb

Initial Staff Proposal: Garbage containers cannot be left at the curb for more than 24 hours and must be placed behind the front yard or indoors when not at the curb.

Public Comments: 24 hours is not long enough.

Revised Staff Proposal: Garbage containers cannot be left at the curb for more than 48 hours and must be placed behind the front yard or indoors when not at the curb.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th the alternative language that prohibits containers from being left at the curb for more than 48 hours and requires them to be stored behind the front of the house or indoors.

8. Allowing Garbage, Junk and Yard Waste to be Stored

Initial Staff Proposal: Prohibits refuse, garbage, junk, etc. from being stored for more than 48 hours.

Public Comments: 48 hours is too short. Keep at 72 hours.

Revised Staff Proposal: Prohibits refuse, garbage, junk, etc. from being stored for more than 72 hours.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th the alternative language that prohibits refuse, garbage, junk from being stored for more than 72 hours.

9. Allowing Stagnant Water to Pool

Initial Staff Proposal: Prohibits stagnant water from pooling on a property.

Public Comments: Define stagnant water. Length of time before deemed stagnant.

Revised Staff Proposal: Prohibits stagnant water from existing for more than 48 hours.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th the alternative language that prohibits stagnant water from remaining on a property for more than 48 hours.

10. Conditions that Harbor Vermin

Initial Staff Proposal: Prohibits conditions that harbor vermin.

Public Comments: Define vermin.

Revised Staff Proposal: Eliminate this section.

Possible Motion: Direct staff to not include the vermin section in the ordinance being presented on June 27th.

11. Junk Vehicles

Initial Staff Proposal: Currently junked vehicles are prohibited from remaining on a property longer than 48 hours and operable vehicles are prohibited from remaining for more than 15 days.

Public Comments: Define junked vehicle. Operable vehicles should not be regulated.

Revised Staff Proposal: Eliminates the 15 day prohibition on operable vehicles.

Possible Motion: Direct staff to remove the 15 day prohibition on storage of operable vehicles from the ordinance being presented on June 27th.

12. Dense Growth of Vegetation

Initial Staff Proposal: Prohibits dense growth of vegetation.

Public Comments: Dense is ambiguous.

Revised Staff Proposal: Prohibits vegetation that restricts ingress or egress of a structure and removes 'dense'.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th the alternative language that prohibits vegetations that impede ingress or egress.

13. Exterior Structural Requirements

Initial Staff Proposal: Requires structures to be free from significant structural defect.

Public Comments: Vague. What about those that cannot afford this.

Revised Staff Proposal: Requires structures to be free from significant structural defect.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th the initial proposed language.

14. Vacant, Unsecured Structures

Initial Staff Proposal: Prohibits unoccupied buildings from being unsecured.

Public Comments: Clarification on sheds.

Revised Staff Proposal: Prohibits unoccupied buildings from being unsecured. Exempts accessory structures on properties with the primary structure is occupied.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th the alternative language that prohibits unoccupied buildings from being unsecured and allows accessory structures to remain unsecured if the primary structure is occupied.

15. Graffiti

Initial Staff Proposal: Graffiti is required to be removed within 48 hours of notification by the enforcement officer.

Public Comments: Define graffiti. 48 hours isn't enough time.

Revised Staff Proposal: Requires graffiti to be removed within 7 days of notification by the enforcement officer.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th the alternative language that prohibits graffiti from remaining for longer than 7 days after notification.

16. Recreational Vehicle Parking

Initial Staff Proposal: Existing ordinance allows one RV to be parked behind the front yard as long as it's not used for habitation.

Public Comments: None.

Revised Staff Proposal: Staff added 'trailer' to the existing list. RVs would not have a time limit on storage behind the front yard as long as they are on an approved surface and not used for habitation.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th the alternative language that allows RVs and trailers to be parked behind the front yard as long as they are on an approved surface and not used for habitation.

17. Turf Grass on Private Property

Initial Staff Proposal: Turf grasses over 12” in height are prohibited.

Public Comment: Allow native vegetation.

Revised Staff Proposal: Same as initial. Only restricts turf grasses.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th the initial proposed language that prohibits turf grasses from exceeding 12” in height.

18. Appeal Process

Initial Staff Proposal: Creation of an additional appeal board to hear appeals of the ordinance.

Public Comment: Mixed comments – some in favor, others saw it as bigger government.

Revised Staff Proposal: Staff recommends the addition of an appeal board comprised of neighborhoods representatives to ensure citizens have a voice.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th a process establishing an appeal board and procedures.

19. Abatement Tool

Initial Staff Proposal: Creation of an abatement tool that would allow staff to abate nuisances in a timely manner without going through the lengthy court process.

Public Comment: Many comments against abatement because of cost and bigger government.

Revised Staff Proposal: Staff recommends creating the abatement tool as an alternative to issuing a citation. It is not required to be used but would give staff additional options when a quicker response is needed.

Possible Motion: Direct staff to add to the ordinance being presented on June 27th an abatement tool that would authorize staff the choice to abate nuisances when not resolved through education and established enforcement procedures.

LOW AND MODERATE INCOME HOUSING

June 20, 2023

BACKGROUND:

City Councils from across the country have been searching for a solution to the challenge of creating “affordable housing” in their communities. With the recent increases in construction costs, supply chain issues, labor shortage, and rising interest rates; this affordable housing issue have become more acute. Local government is not typically a provider or owner of housing directly. However, through application of zoning, creation of development standards, and the use of incentives; cities have attempted to influence housing production for prioritized low income households. Many communities have approached the need for expanded low income housing choices as a critical issue to their community for both social equity as well as economic development reasons. Each community has different resources and constraints which requires local planning to address housing issues.

The City Council adopted a Council Goal in 2022 of Valuing Diverse Housing Options with a task directed to staff for recommendations regarding a Low and Moderate Income Housing Strategy. The focus of the task is:

- 1) What standardized incentives to offer,**
- 2) Address code impediments, and**
- 3) Acquisition of land or existing housing.**

It must be emphasized, therefore, that the purpose of this report and the Council discussion on June 20th is to focus of increasing the number of residential units available for our low and moderate income citizens. The discussion regarding increasing the number of residential units for other income groups, for workforce housing to the high-end homes, will occur at a later time.

The purpose of this task is to address issues that may go beyond the annual programming of our federal entitlement funds of Community Development Block Grants (CDBG) and HOME. These programs require a five-year consolidated plan with a housing assessment and annual program budgeting that are not addressed in this report. Information about our federally assisted housing programs is on the [City's Housing Division website](#). Note that new five year Consolidated Plan is scheduled to be completed in 2024.

HOUSING INVENTORY

The most recent census data is from the 2021 American Community Survey (ACS). The ACS provides multiple census products for statistics with varying degrees of margin of error between a 1-yr snapshot and a 5-yr averaging survey. Data from the ACS includes

population, age, race and importantly to this study, housing, and income characteristics. The Census also provides information based upon two types of living arrangements, a household and a family.

A “Household” within the census data is defined as an individual or group of people living together within a dwelling, regardless of their relationship. A family is defined as a two or more related people living together within a dwelling. A family is a subset of households. People living in group quarters, such as a dormitory, are not considered a household and are excluded from housing data, but included in general population information.

According to the American Community Survey 2021 1-yr data, there are approximately 25,901 occupied housing units out of a total of 27,594 housing units. There are 9,329 family households and 16,572 non-family households. Statistics based upon households and families are considerably different with families typically having higher incomes due to the general age of families, additional people within a family, potentially multiple incomes, and little influence of full-time student demographics. **The median household income is \$64,569 (independent of size) and the median family income is \$105,822, while the non-family household is \$35,673 for the Ames MSA.** Average incomes are much higher than median incomes. Nationally, median household income is \$69,717 and family income is \$85,806. Based upon ACS data, Ames household income has increased by about 41% over the past ten years and family income by about 45%.

The City does not directly own or operate any housing. The existing income restricted units in Ames are participants in state and federal housing programs, such as Low Income Housing Tax Credits (LIHTC). Income restricted units are a mix of workforce and senior housing units, with a mix of “project based” directly subsidized units and rent subsidized units through other programs. There is an estimated 501 income restricted units within the City distributed across six projects. This is 501 units out of a total of census estimate of 14,763 rental housing units within the City.

INCOME LEVELS:

Although we are not focused on federal housing programs, the City of Ames relies upon federal Housing and Urban Development (HUD) definitions of low and moderate income households related to Area Median Income (AMI) of Ames. Generally, household incomes are categorized as Extremely Low Income at 30% of AMI, Very Low Income at 50% of AMI, Low Income below 60% of AMI, and Moderate Income below 80% of AMI.

HUD 2023 Income Limits for HOME

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person
30%	\$ 22,350	\$ 25,550	\$ 28,750	\$ 31,900	\$ 34,500	\$ 37,050
50%	\$ 37,250	\$ 42,600	\$ 47,900	\$ 53,200	\$ 57,500	\$ 61,750
60%	\$ 44,700	\$ 51,120	\$ 57,480	\$ 63,840	\$ 69,000	\$ 74,100
80%	\$ 59,600	\$ 68,100	\$ 76,600	\$ 85,100	\$ 91,950	\$ 98,750

The calculated income levels are supplied by HUD and are what are the required income limits for our federal programs. Note, these figures may differ from census data that is based upon households from census related surveys and there can be variation between census data of the City of Ames only vs. the Ames MSA which is larger area equal to Story County.

Typically, incomes at 80% or greater than AMI are able to “attain housing” within market conditions without extraordinary household expense or difficulties related to income. Attain housing means either rental or ownership housing. Household incomes greater than 80% are not addressed by federal housing programs, except for potentially home buyer assistance in some circumstances.

Households earning less than 30% of AMI typically require substantial assistance for housing expenses with federal programs of support, including the Section 8 voucher rental assistance program. The Central Iowa Regional Housing Authority (CIRHA) is the administer of the Section 8 Voucher program with approximately 1,000 vouchers in their program to serve six counties. However, there are not adequate vouchers available to meet the quantity need for these income levels. Within the City of Ames, there are currently 309 vouchers, which is a substantial increase from 2021 levels. There remains a constraint on using vouchers in Ames as most landlords will not accept Section 8 vouchers. State law preempts a City from requiring landlords to accept vouchers.

Affordability of housing is most commonly evaluated as a percentage of income used for housing costs as 30% of household income. In some situations, metrics that attempt to account for reduced transportation costs when households have easy access to public transportation or lower vehicle ownership rates will consider a combined ratio of housing plus transportation costs at 45% of income. **For this report we are focused on the traditional metric of 30%.** The ACS provides information about housing costs as a percentage of income, often referred to as housing cost burden, for both rental and ownership households. Although some households may make a choice to spend a higher percentage discretionarily income on housing to realize other benefits of housing choice and location, when it is not discretionary, and a disproportionate amount of income is used for housing it can cause insecurity related to other household needs.

Fundamentally, this is the public policy issue related to affordable and quality housing. Housing overall is not just a social issue, but also an economic driver of the community in order to support employment opportunities that benefit the overall general welfare of the community. The intersection of these issues are why the City’s Comprehensive Plan devotes specific polices to these issues and does not just think of housing as a land use development issue.

Housing burden statistics (>30% of income) are substantially different between rental housing and ownership housing. For rental households this is estimated at 51% of households and for ownership households at 28%. The age range of the household also has a significant impact on housing burden calculations. **Within Ames, the student demographic (viewed as temporary housing condition seeking a higher education)**

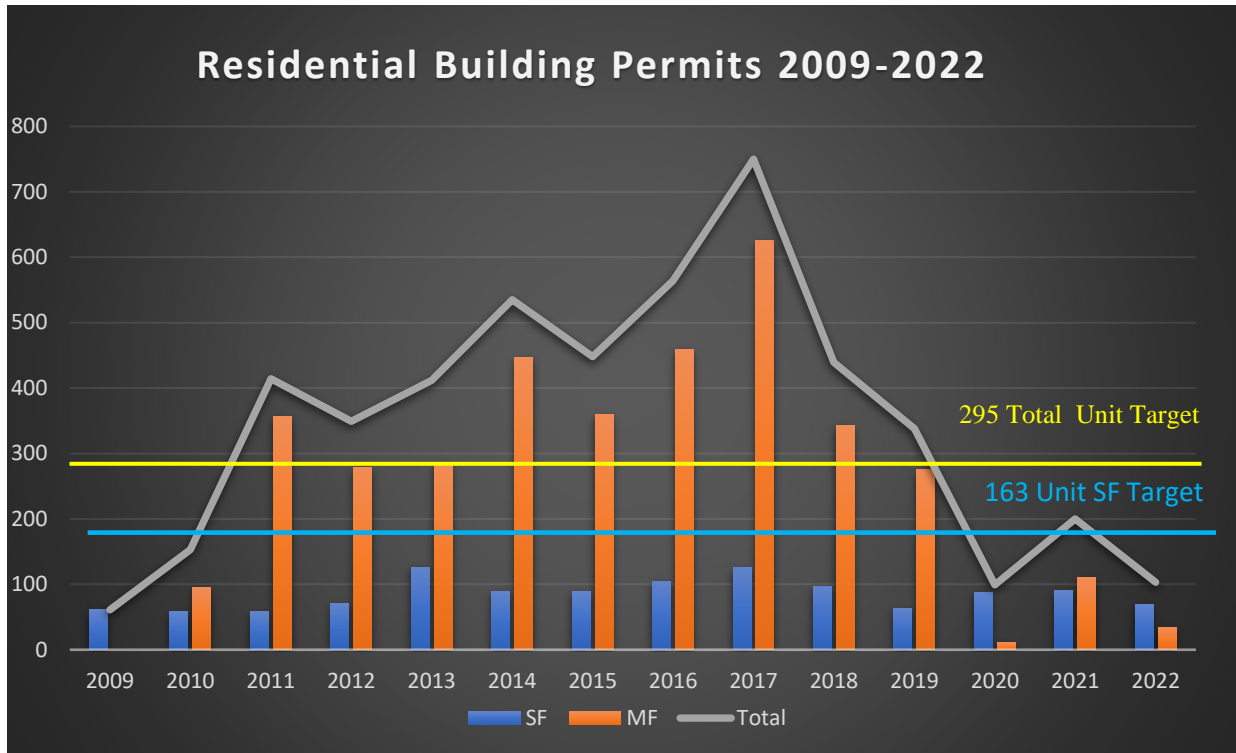
distorts both poverty and housing burden calculations. Relying on age based or family-based statistics minimizes some of the influence of student demographic on housing issues focuses on workforce and non-transient households.

The priority focus of this report is then for the low- and moderate-income households as the area most likely to be impacted by local actions. The general focus for affordability programs at the local level is between 30-60% AMI for rental households and 50%-80% AMI for home ownership.

HOUSING TARGETS:

Ames Plan 2040 includes a Neighborhood, Housing, and Sub-area Element that uses 2017 census data as a snapshot of housing needs for the City correlated to our growth projection of 15,000 people through 2040. This snapshot assessment does not address unmet existing demand.

Plan 2040 identified 2020-2030 annual housing production target of 295 units, with an overall average of 317 units through 2040 related to the 1.5 % growth used for planning purposes. Actual population growth is often well below the 1.5% assumption. The unit projections are divided between ownership and rental housing. The City currently has approximately 60% rental households and 40% ownership households. Plan 2040 identifies a target of 55% of ownership housing and 45% rental housing for new construction. However, this should be understood as target number of units produced rather than division of the actual units built in year. Ownership can be either detached or attached housing. A significant multi-family component is needed as well to meet general housing needs, but not at the same proportions as the current make up of housing stock due to no planned substantial increases in enrollment at ISU.



Household income categories are also described within this Housing Element snapshot and support policies of action related to affordable housing correlated to types of housing produced and to consider incentives for priority types of affordable housing. **The Affordable Housing Strategy is an implementation step of the Plan 2040 Housing Policies. Typically, due to construction costs, addressing low and moderate income housing is divided between creation of affordable rental housing compared to ownership opportunities. The greatest need measured by attainability and availability is directed to rental housing. A secondary need is for ownership housing affordable to low and moderate incomes due to the substantial lift needed to attain this goal for an individual family.**

CODE IMPEDIMENTS:

One common strategy to support affordable housing is to consider the impact or regulations on the production of housing, specifically unique obstacles related to low income housing. Building and Zoning Codes are designed to manage development of housing in safe and desirable manner that is compatible with the community. Developers incorporate development costs and construction costs into their project pro forma and build projects when the rent or sales price provides an expected level of profit over costs.

Low income housing has a different model where the revenue side of the equation is capped to meet a targeted level, i.e. income restrictions. However, most communities have taken a strategic approach to Zoning and Building Code changes to not dilute the quality of housing and to ensure it is of the same equitable quality as other housing in a

neighborhood. **In fact, many subsidy programs will require higher quality elements with affordable housing to ensure there is a high quality living environment.**

Staff believes the most common code impediments related to the construction of new housing include:

1. Parking Requirements
2. Lot sizes/density limits
3. Limits on apartment building size within medium density areas (no limit in high density zoning districts)
4. Architectural design requirements

Additionally, staff believes the lack of available zoned land for housing is as significant of an impediment as any of the above specific regulations on the cost or production of affordable housing.

Staff has identified these constraints based upon development project review with Home Allies, Bridge, and LIHTC developers, as well as national commentary on affordable housing constraints.

OPTIONS:

Option .1 - Evaluate parking reductions

Of the four issues listed above, parking is a uniquely positioned issue related to low-income households. Statistically car ownership rates are lower for lower income households regardless of the costs of housing. This is most pronounced for household likely earning less than 50% of AMI. Parking regulations in Ames are based upon bedroom counts per apartment, which are predominantly occupied by student households with multiple cars. Additionally, ideal locations for affordable housing are centrally located transit accessible and walkable neighborhoods that are not as vehicle dependent. **This means projects within the core of the City are likely to need even less parking than for low-income housing projects in periphery areas of the City.**

Parking is applied universally regardless of income levels of an apartment development. This approach has been the basic policy of the City to ensure that regardless of long-term occupancy of the units that parking would be adequate to meet needs and not impact the surroundings. **This approach allows for versatility of use of a property over time, but it does hamper initial construction of low-income housing.** A standard surface parking lot has a per space cost of construction of \$4,000 to \$5,000, which does not account for potential loss of developable land for parking spaces.

The PUD ordinance allows for Council to approve as few as 1.5 parking spaces per unit vs. the standards requirement of 1 per bedroom. **The key question is really if projects that are not part of a PUD Overlay could take advantage of the parking reduction**

for sites less than 2 acres or if it could be approved for any residentially zoned site even if it is not in a PUD Overlay.

Council could direct staff to proceed with parking code changes related to affordable housing development subject to land use and affordability restrictions. Staff's experience is that these restrictions are for upwards of 30 years. After 30 years the property may become a market-based project, if that occurs no additional parking would be provided.

If City Council is interested in additional parking reductions, Council would need to direct staff under this option on whether to consider it a by-right allowance for all zoning districts or if it a discretionary process as defined with the PUD Overlay.

Option #2 - Lot Size and Density Limits

Lot size can be viewed as cost component of a home or in relation to allowed density of a project. Commonly for single family development a rule of thumb is a lot is approximately 20% of the cost of a home and that the house itself will be 3 to 4 times the cost of the lot. Therefore, a smaller lot could have marginal change in the overall cost of a home if a large home is still constructed, or if smaller homes are built on smaller lots it could have much greater reduction of cost related to a lot.

Fortunately, in Ames there is a strong land use ethic for efficient and smart growth and, therefore, there currently exists reasonably high maximum density allowances as a result. Upper density limits are rarely an issue for a project as they be in other cities. However, Minimum lot size regardless of overall density could be a constraint for smaller houses that may or may not have lower prices. This issue is fundamentally related to ownership or single-family building types. This issue was discussed two years ago the time of adoption of the PUD ordinance. The decision at that time was that = the City wanted to see an overall plan before approving smaller lots and to require higher architectural design requirements within a PUD to address negative impacts to aesthetics.

City Council could direct staff to propose minimum lot size changes. In isolation of design requirements and an overall plan review, staff has some general reservations about eliminating minimum lot sizes, even though lot size itself is not an important issue to staff.

Option #3 - Limits on Building Sizes

The building size limit is blunt standard that limits efficiency to address overall massing and height of structures outside of actual design guidelines and architectural standards. Currently, this standard has not been a constrain to affordable housing as it only applies in medium density areas and does not apply in high density areas. However, if we strive for a mix of affordable housing in our growth areas with FS-RM zoning, this standard could impact a future project.

Council could direct staff to propose eliminating this building size standard in certain zoning districts and determine if any replacement standards would be more appropriate.

Option #4 - Evaluate Architectural Design Requirements

City Council could direct staff to evaluate in greater detail specific zoning regulations and related development costs compared to design quality and then consider additional text amendments. **Staff does have general reservations about substantial changes to design standards or impacts to future infill design requirements that could make project less accepted within neighborhoods.** Having acceptance of projects, even with higher costs, is more desirable in staff's eyes than having projects not be accepted.

Option #5 - Identify Other Code Impediments

Can the City Council identify other development issues for review by staff?

INCENTIVES:

Affordable housing is most commonly developed with the assistance of federal or state funding programs. However, at times there can still be a financial gap for the viability of a project and the City may receive a request assistance. The two most recent instances are the Baker Subdivision 9% LIHTC project where we are providing land for free and use of federal HOME program dollars and the other project was a request from the Annex Group for a property tax abatement in support of their development site Hayden's Preserve along 190th Street a 4% LIHTC project. The Annex Group project did not proceed and was one of the initial reasons to pursue a housing strategy related to incentives.

Staff believes there two main components of the incentive discussion.

1. Types of Funding, and how much funding
2. Prerequisites for funding.

Some of the financial incentives that have been offered to developers by other cities to entice them to build multi-family or single-family homes have included:

1. Tax Increment Financing (TIF) for infrastructure construction
2. TIF as a developer rebate for building a project
3. Property Tax Abatement (full or partial)
4. Waiver of fees
5. Low or no cost land donation
6. Development grants/Housing Trust Fund
7. Homebuyer down payment assistance
8. Low interest or forgivable loans
9. Federal CDBG and HOME funds

Tax abatement can lower operating costs helping a property owner carry their loan payments and other expenses. Tax Increment Financing can be used as a rebate to a developer for their investment in a project or to fund public infrastructure that lowers costs of development. Using TIF to fund public infrastructure requires a setaside of approximately 45% of the TIF proceeds to be used for affordable housing and is counted against a city's debt limit, while TIF rebates don't have these same issues. Fee waivers for building permits or connection districts would only come at the time of actual development and result in a city foregoing revenue which lowers the initial costs of development.

Direct grants to a developer will require a funding source which may be difficult under the current restrictions placed upon cities in Iowa for generating additional revenues. Further exploration will be needed to identify the appropriate funding sources.

It should be noted that each of these incentives have different value and order of magnitude, meaning there are variable cost to the city and benefit to a developer, home buyer, or operator of affordable housing.

PREREQUISITES:

Staff believes that if the City provides financial assistance, the city's priorities should also be addressed within a development. Provided below are multiple interests that could guide use of local incentives:

1. Affordability levels at or below 50% of AMI
2. Affordability restrictions of at least 30 years
3. Participation with another agency for oversight, such as Iowa Finance Authority
4. Operational Support or Initial Capital Support
5. Cost per unit produced
6. Types of units for workforce and family, minimum of 10-15% family units
7. Acceptance of Section 8 Vouchers, set aside for Section 8 voucher holders
8. Project based Section 8 Units committed by CIRHA
9. Location Preferences
 - o Availability of services
 - o Transit access for very low-income households
 - o Housing choice and dispersal throughout the city

Staff believes Location Preference is an important issue on this list that is not financially based. As described earlier, development in the core of the City is often beneficial for support of residents of low and moderate income housing and likely the best solution if available. The difficulty in staff's view arises from two concerns. The first is availability of land and if it is available the higher cost for acquisition and development which likely then requires a greater financial incentive.

Secondly, diversity of housing choice would support providing affordable housing in multiple areas of the City as we grow, this includes the to the north, south, east, and west, but in many cases there are limited services available at this time and site are likely more vehicle dependent. It is possible that some types of housing will only be eligible for other program money within the core areas of the City, known as Qualified Census Tracts. However, development of LIHTC with 4% tax credits is not competitive and could be accomplished within any area of the City. The question is not if an affordable project should be developed on the periphery of the City, it is if we would use financial incentives to support it.

City Council would need to provide guidance on priorities for issues from the above list so that staff will be able to formulate guidelines that can be communicated to future developers. Staff believes the greatest needs at are at the lower end of the household income ranges and we should require that included deeper levels of affordability than minimum requirements of LIHTC and expect that Section 8 Voucher holders would be able to use a voucher in these projects.

PROPERTY ACQUISITION:

One specific action that could be identified within the housing strategy is a property acquisition plan. This acquisition plan will help guide long-term thinking for acquisition, development strategies of larger projects, and potential dispersal of affordable housing. There has been a 20-year gap between the City's west Ames Bentwood affordable housing subdivision and the Baker Subdivision project. **A more intentional program about either buying land within new development for a future project or to buy individual lots within new or existing subdivisions will allow the City to take advantage of opportunities as they arise.**

Subdivision Development

As a landowner, the City will be able to solicit opportunities for partner developers and pursue local low income housing subdivision development on a more regular basis. In a land market as tight as Ames, it may be necessary for the City to land bank sites to eventually realize greater production of housing.

Individual Lot Development

An alternative to larger site acquisition could be lot acquisition in both existing and newly developed subdivisions. Typically, our lot acquisitions in existing areas are to remove blight and, if possible, make them available as affordable housing. The same strategy and likely costs could be applied to buying an individual lot for a house builder, such as Habitat for Humanity. **Staff believes this strategy allows for small steps toward housing availability, dispersal of housing throughout the city, and is one of the few means of providing for ownership housing options.**

As is the case with funding for incentives to the developers highlighted previously, a financial mechanism for this subdivision/single lot acquisition strategy would

need to be defined which, hopefully, could provide a means to recoup the investment for reuse over time.

STAFF COMMENTS:

In summary, Staff supports the following next steps:

1) Developing a Low and Moderate Income Housing Strategy that includes the individual development incentives that that the City Council identifies for possible support.

- The use of TIF for public infrastructure or tax abatement would be the most appropriate incentive mechanisms. These mechanisms allow the City to offer an incentive without having to budget for them on an annual basis.

- Depending on which incentive the Council chooses to pursue, further study will be needed to determine viable funding sources.

- A maximum duration for the incentive or a percentage cap on the assistance should be included in the incentive policy to ensure that projects are financially viable and efficient in their development plan.

2) Developing a Low and Moderate Income Housing Strategy that includes a property acquisition strategy that will promote development of multi-family and/or single-family housing.

3) Developing a Low and Moderate Income Housing Strategy that includes a multi-year financing plan with one pot of money to accomplish the first two items listed above.

4) In addition to the Council's recent action to reduce required parking in a PUD, reduce parking requirements in other zoning districts for future low and moderate income housing projects.

5) Developing incentive criteria that provide for greater incentives for projects within the Core of the city recognizing inherent value of the location and higher development costs, but also supports diversity of housing choice in expanding areas of the City, but with a lower incentive.

It should be noted that with the initial implementation of the components included within this strategy, it is unlikely that additional staff would be needed for this activity. If the City takes on a more significant role developing property, administering affordability requirements, or monitoring compliance; over time additional staff support could be need.