

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	March 22, 2010
	Agenda Item No. 30 Roll Call No. <u>10-</u> Communication No. <u>10-144</u> Submitted by: Larry Hulse, Community Development Director	

AGENDA HEADING:

Ordinance amending Chapter 26, Building and Building Regulations, to require that any structure converted to a horizontal property regime or multiple housing cooperative shall be upgraded to conformance with the building code requirements, as of the date of conversion.

SYNOPSIS:

Recommend approval of the ordinance which adds Section 26-219 to the City Building Code requiring any existing building converted to a horizontal property regime (condominium) after April 25, 2000, or to a multiple housing cooperative after March 23, 2010, to comply with the building code requirements, as of the date of conversion. As applied to condominiums, this requirement was initially imposed state-wide by an amendment to Iowa Code §499B.20, effective April 25, 2000. This ordinance would extend that requirement to any building converted to a multiple housing cooperative.

FISCAL IMPACT:

Amount: Unknown. Any existing apartment building or trailer park which is converted to a multiple housing cooperative is reclassified for tax purposes from commercial to residential and thereafter receives the benefit of the residential rollback.

Funding Source: No City funds will be impacted.

ADDITIONAL INFORMATION:

This amendment requires that any existing building which is converted to a condominium or a multiple housing cooperative must be brought into compliance with the current building code requirements, as of the date of conversion.

Depending on the age of the structure and its systems, existing residential structures lack many of the safety, health and usability features of new buildings. The change in ownership structure has a significant impact upon the safety and usability of a building. When a building is owned by a single owner, that owner has full control and responsibility for maintaining and operating their property, and bears any casualty loss to the building. If that same building is converted into a condominium or multiple housing cooperative, the ownership and control of the building is divided up, and measures that keep a building current with modern code are made more difficult because of the shared nature of ownership and decision making.

Older structures represent a greater risk to a community and the resulting financial burden to a community if it lacks the features that minimize the need for community resources. A reduction in that structure's contribution to the community should not be allowed, unless that structure is upgraded to minimize those costs. Features required by modern codes minimize the risk of a fire involving multiple units or buildings; offer improved fire detection and notification; offer passive means to resist the spread of fire from unit to unit and building to building; and permit the building to be used by people of varied abilities and income levels. These include fire sprinkler systems, fire walls, elevators, ramps and improved energy performance. These upgrades not only provide for the safety and well being of the occupants, but also minimize the need for local community assistance from Fire and EMS personnel, low income energy assistance, weatherization, building maintenance and enforcement personnel.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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