

★ **Roll Call Number**

Agenda Item Number

44-I

Date February 24, 2014

Report and discussion regarding proposed legislation that would restrict the City's ability to regulate occupancy of residential rental properties based on familial relationships between occupants, (SSB3068).

Moved by _____ to

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
VOSS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

_____ Mayor

_____ City Clerk

44-I

Senate Study Bill 3068 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to the authority of cities to regulate and
2 restrict the occupancy of residential rental property and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S.F. _____

1 Section 1. NEW SECTION. **414.33 Residential rental property.**
2 A city shall not adopt or enforce any regulation or
3 restriction related to the occupancy of residential rental
4 property that is based upon the existence of familial or
5 nonfamilial relationships between the occupants of such rental
6 property.
7 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,
8 2015.

EXPLANATION

9
10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to the authority of cities to regulate and
13 restrict the occupancy of residential rental property.
14 The bill provides that a city shall not adopt or enforce
15 any regulation or restriction related to the occupancy
16 of residential rental property based upon the familial or
17 nonfamilial relationships of occupants.
18 The bill takes effect January 1, 2015.

2014 Legislative Update

SSB 3068 AND HF 184

44-I

SSB 3068 and HF 184

- Two separate bills, that provide different mechanisms to substantially limit the ability of the city to regulate neighborhood occupancy and density
- Both versions curb a city's ability to regulate rental property based on familial or non familial status. Senate version grants authority for Board of Adjustment to grant exceptions and variances provided "not against the public interest"
- Familial status allows definition of a family unit, used to determine how residential property is used under zoning regulations
- Change undermines the local community's ability to regulate use and density.

SSB 3068 and HF 184

•Neighborhood Impact

- Allows any single dwelling unit to be used for rental to unrelated individuals
- Increases density where single family density had been anticipated
- Potential for increased traffic, parking, noise, and activity in single family neighborhoods.
- Decreases the ability of the city to control other multi-occupant residential uses, such as fraternal organizations, homeless shelters, halfway houses, and similar facilities
- Undermines neighborhood expectations regarding neighborhood look and feel, and how it operates and impacts property values

•Community Impact

- Undermines decades of community planning regarding density and growth, including transit, streets, trails, sidewalks, sewer and water infrastructure