



ADMINISTRATIVE SERVICES COMMITTEE

Agenda

Wednesday, December 17, 2014
3:30 pm

Madison Avenue Meeting Room
500 SW Madison Avenue

- Discussion/**Possible Action** I. Livability Code/Neighborhood Outreach Program Review (Attachment)
- Information II. Other Business

Next Scheduled Meeting

Wednesday, January 7, 2015 at 3:30 pm
Madison Avenue Meeting Room, 500 SW Madison Avenue

Agenda

Meeting date, time discussion
First Quarter Operating Report
Visit Corvallis First Quarter Report
Downtown Corvallis Association Economic Improvement District First Quarter Report

MEMORANDUM

December 10, 2014

To: Administrative Services Committee

From: Ken Gibb, Community Development Director 

Re: Continued ASC Consideration of current livability code gaps and an expanded Livability Code Compliance and Neighborhood/Community Outreach Program

I. Issue

As requested at the end of the December 3, 2014 Administrative Services Committee meeting, staff are providing follow-up information regarding current community livability code gaps.

II. Background

At the conclusion of the October 22 ASC meeting the Committee determined that it would spend time at its November 5, November 19, and December 3 meetings discussing grouped elements of the livability code gaps that staff have presented in narrative and graphic form in prior meetings. The November 5 meeting covered the first grouped elements, interior condition gaps; the November 19 meeting covered exterior condition gaps; and the December 3 meeting covered general gaps, including administrative provisions. Attached to this staff report are copies of each of the three prior staff reports, and excerpted minutes from each of those meetings. At the conclusion of the December 3 meeting ASC asked staff to prepare a matrix that will include all of the code gap issues discussed since November 5 so that the Committee may formulate a City Council recommendation to proceed or not proceed with each individual gap issue.

III. Discussion

The attached matrix includes, in its left column, a restatement of each of the 17 general code gap areas that were discussed over the course of the last three ASC meetings. The second column contains a more specific listing of 23 sub-areas/issues that were identified and discussed during those meetings. The third column presents the potential code-related actions the City might take to close the identified gaps, as they were presented and discussed at each meeting. The fourth column specifies the type of structure and building occupancy that would be covered by each representative code gap fix. And finally, anticipating that this matrix will become the basis of an ASC recommendation to the full Council on whether/how to proceed, a column to capture the Committee's "stop consideration" or "continue consideration" direction is included at the right side of the matrix.

The Committee's stated intent is to discuss the gaps and then provide staff with direction specific to each as to whether or not additional work, including the development of preliminary code language, should be pursued. In the event the Committee feels it would be helpful, staff will be prepared to assist in assigning relative priorities among those items selected for code language development.

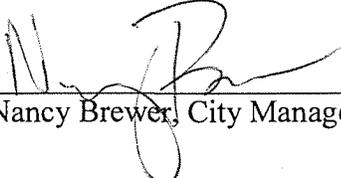
In order to move forward with the development of code language staff will reach out to and form a relatively small group of stakeholders to include rental property management/ownership interests, tenant interests, affordable housing interests, and neighborhood interests. Once formed, staff will

meet with the group to outline the code language development process and its component tasks as identified by ASC, and then through a series of work sessions, bring rough draft language for group review and revision based in the priority order assigned by the ASC. This process will likely take approximately two to three months to carry out once the ASC and City Council have provided direction to proceed. The work session format contemplated for this code language development process would be publicly noticed. However, in recognition of the two-plus years of ongoing community discussion about this topic, and in the interest of working most efficiently to develop code language, staff do not plan to include a public comment item on the work session agendas.

IV. Requested Action

Staff request that ASC work through a discussion to identify and if practical, to prioritize current code authority gaps for which staff should move forward with the development of code language, and a recommendation to City Council for approval.

Review and Concur:



Nancy Brewer, City Manager *Pro Tem*

Comprehensive Recap of Livability Code Gaps for December 17, 2014 Administrative Services Committee Consideration

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
<i>Interior Lighting</i>	Lack of adequate interior lighting of emergency exit paths may result in inability to exit safely in an emergency.	Adopt standards requiring maintenance of adequate interior lighting of exit discharge paths.	Renter-occupied residential properties	
<i>Interior Ventilation</i>	Lack of requirements for maintenance of ventilation systems in bathrooms, kitchens or for clothes dryers may result in mold growth and surface degradation.	Adopt standards and performance criteria for the maintenance of interior ventilation systems.	Renter-occupied residential properties	
<i>Electrical Systems</i>	Lack of requirement to replace electrical system components damaged by exposure to leaks or flooding may result in hazardous situation.	Adopt standards requiring replacement of electrical equipment and devices if exposed to water, with some exceptions.	Renter-occupied residential properties	
	Lack of requirements for ground fault interrupt outlets in bathrooms, kitchens, etc. may result in hazardous situation.	Require installation of ground fault interrupt outlets in bathrooms, kitchens, etc.	Renter-occupied residential properties	
<i>Plumbing Systems</i>	There is no performance standard for or definition of "hot water," which may prevent the production of a temperature adequate for bathing and cleaning.	Adopt a measurable temperature standard for water system performance.	Renter-occupied residential properties	
<i>Interior Sanitation</i>	There are no clear standards for the maintenance of sanitary conditions in residential building interiors, which may present living situations that are unhealthy and/or unsafe.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	
	Lack of standards requiring the maintenance or repair of bathroom and kitchen surfaces, making it difficult to keep them from becoming unsanitary, which may lead to unhealthy living situations.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	
<i>Heating</i>	There is no requirement for heat in bathrooms which may make it difficult to maintain a comfortable and dry, mold-free environment.	Adopt standards for heat in bathrooms and other habitable areas not currently covered by the Rental Housing Code.	Renter-occupied residential properties	

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
<i>Interior Security</i>	There is no requirement for properly functioning door knobs/latches, and no standards for adequate door or window hardware, which may lead to inadequate occupant safety (ingress and egress).	Adopt maintenance requirements for doors and door hardware, including deadbolts, and for windows and window hardware to be maintained to a level sufficient to provide security and safe exiting for occupants.	Renter-occupied residential properties	
<i>Exterior Weather- and Waterproofing</i>	There are no requirements for the prevention of air leakage under, through or around windows or doors, which may increase a resident's discomfort and/or costs for heating and cooling.	Adopt requirements for building envelopes and openings to be sound, in good repair and weather tight in order to prevent wind from entering a structure.	All structure and occupancy types	
	There are no requirements for the prevention of water leakage into non-living areas such as utility basements, attics or exterior membranes and surfaces, which may create situations that enhance mold growth, that will result in infiltration of water into living areas, and lead to overall structural decline.	Adopt requirements for roofs, exterior walls and building openings to be sound, in good repair and weather tight in order to prevent water and other elements from entering a structure.	All structure and occupancy types	
<i>Exterior Sanitation</i>	There are no standards that prevent the accumulation of inadequately/ improperly stored personal possessions such as yard maintenance equipment and supplies, serviceable vehicle tires, and furniture manufactured for indoor use. This leads to complaints of unsanitary, blighting neighborhood conditions.	Adopt requirements that all exterior property and premises be maintained in clean and sanitary condition.	All structure and occupancy types	
<i>Solid Waste Removal</i>	There are no provisions to assign responsibility between landlords and tenants for the removal of solid waste from a property. This leads to complaints of over-accumulation of contained and uncontained solid waste.	Adopt assignments of responsibility between landlords and tenants for the provision of containers, containment and removal of solid waste from premises	Renter-occupied residential properties	

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
<i>Building and Accessory Structure Maintenance</i>	There are no standards requiring general maintenance of buildings and accessory structures. This may lead to general structural decline that cannot be addressed until a building becomes dangerous.	Adopt requirements that primary and accessory structures be maintained sound and in good repair, and that exterior surfaces be maintained.	All structure and occupancy types	
	There are no standards requiring maintenance of exterior decks, handrails and stairs in one- and two-family dwellings. This may lead to conditions that may soon deteriorate but that are not yet dangerous.	Adopt requirements that decks, stairs and handrails be maintained in a safe condition.	All structure and occupancy types	
<i>Exterior Lighting</i>	There are no requirements for the maintenance of exterior lighting in areas such as parking lots or walkways in and around apartment buildings. This has generated concerns regarding personal safety and security.	Adopt standards for the maintenance of exterior lighting in the described circumstances.	Renter-occupied properties; consider including all non-owner occupied properties	
<i>Graffiti</i>	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Adopt requirements for the prompt abatement of graffiti-defaced property as an obligation of the affected property owner.	All public and private property of all types	
	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Consider the development of a collaborative abatement program with involvement of stakeholders, paint companies, and community volunteers.	All public and private property of all types	
<i>Fire Safety</i>	There are no maintenance standards for door locks that are operable without keys or special knowledge from the egress side of a doorway. This may create situations in which occupants are unable to exit a building in an emergency. (Partially addressed in Interior Security section above.)	Adopt standards requiring door locks that are operable from the egress side without keys or special knowledge.	All structure and occupancy types	

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
<i>Fire Safety (continued)</i>	There are no standards for the maintenance of emergency paths of travel and escape openings in one- and two-family dwellings. This may create situations in which occupants are unable to exit a building in an emergency.	Adopt standards requiring the maintenance of clear, unobstructed paths of travel and emergency escape openings for the purpose of safe ingress/egress.	All structure and occupancy types	
	There are no standards for the maintenance or repair of fire-resistant surfaces (e.g., drywall) and assemblies (e.g. ceilings, walls between garages and living space). This may create hazardous situations if surfaces and assemblies are damaged and not returned to a fire-resistant state.	Adopt standards for the maintenance of fire-resistant surfaces and assemblies.	All structure and occupancy types	
<i>Occupancy Limits</i>	There are no standards that specify how much space a dwelling unit must provide for eating, sleeping or living. This may lead to overcrowding of rooms, and in the overloading of dwelling units resulting in neighborhood impacts such as parking.	Adopt standards for minimum square footage allocation requirements to establish maximum occupancy loads in sleeping and living spaces within a dwelling unit.	Renter-occupied residential properties	
<i>General Maintenance (also discussed above)</i>	There are no code provisions for the maintenance of structures. With no required maintenance the City is unable to address decline until the condition of a structure constitutes a dangerous building.	Adopt standards for the maintenance of structures to prevent decay that will constitute a dangerous building.	All structure and occupancy types	
<i>Administration</i>	There are inconsistencies between the three City codes that contain livability elements administered by the Housing and Neighborhood Services Division. This results in the application of different definitions, notices, compliance provisions, and penalties, leading to a process that is difficult for community members to understand, and that is relatively complex for City staff to administer.	Adopt a single code that pulls existing livability elements from the Corvallis Municipal Code, Rental Housing Code and Land Development Code; integrate additional code standards that result from the current consideration process into the resulting code document; adopt a single set of administrative provisions to guide the implementation of the resulting livability code.	N/A	

MEMORANDUM

October 29, 2014

To: Administrative Services Committee

From: Ken Gibb, Community Development Director 

Re: Continued ASC Consideration of current livability code gaps and an expanded Livability Code Compliance and Neighborhood/Community Outreach Program

I. Issue

As requested at the end of the October 22, 2014 Administrative Services Committee meeting, staff are providing follow-up information regarding current community livability code gaps.

II. Background

At the conclusion of the October 22 ASC meeting the Committee determined that it will spend time at each of its next three meetings (November 5 and 19; December 3) discussing grouped elements of the livability code gaps that staff have presented in narrative and graphic form in prior meetings. The first grouped elements will cover interior condition gaps. The Committee's chosen approach will be to hear explanations of the gaps from staff in a work session-type setting, and then to hear comments from people attending the meeting. The Committee acknowledged on October 22 that given the chosen approach, its next three meetings may be longer than is typical.

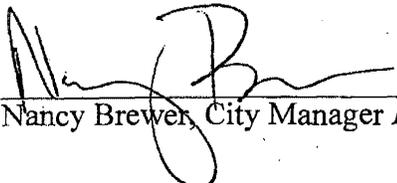
III. Discussion

The attached, modified excerpt from the "Current Corvallis Code Authority, Gaps and Potential Resolution" document presented to the Committee on October 22 includes a listing of interior code gaps and potential resolutions. As requested, modifications have been made to clarify which property types would be included for coverage if code language to address the gaps is developed. As has been shared in past discussions, the approach to implementing additional code authority that was recommended by staff as a result of discussions with the Property Maintenance Code Advisory Group in 2013 was to apply new code standards to both the interiors and the exteriors of residential rental properties, but to apply new standards only to the exteriors of owner-occupied residences and non-residential properties. Staff will plan to supplement its discussion of the items in the attachment with a presentation of representative photographs.

IV. Requested Action

Because no decision is anticipated as an outcome of this meeting, staff requests no specific action.

Review and Concur:


Nancy Brewer, City Manager *Pro Tem*

Attachment: Current Corvallis Code Authority, Gaps and Potential Resolution – Interior Conditions

Current Corvallis Code Authority, Gaps and Potential Resolution – Interior Conditions

Prepared for Administrative Services Committee Consideration on November 5, 2014

Existing interior code standards, code gaps and possible means of resolving those gaps include:

Lighting

Current: Under state and local Fire Code, multi-family and commercial structures are subject to Fire Code inspections of common areas for adequate lighting of exit discharge paths

Gap: The City receives complaints regarding a lack of adequate lighting in halls, stairways or basements in all occupancy types where the cause is something more than a burned out light bulb. There are no code standards or provisions for the maintenance of adequate interior lighting in one- or two-family dwellings.

Resolution: Develop standards requiring the maintenance of adequate interior lighting of exit discharge paths in renter-occupied dwellings.

Ventilation

Current: There are no code standards for operational performance or the maintenance of ventilation systems.

Gap: Inadequate/non-functioning kitchen, bathroom and clothes dryer ventilation systems contribute to mold growth and surface degradation. In addition, incorrect or inadequate clothes dryer ventilation contributes to fire hazard potential.

Resolution: Develop standards and performance criteria for the maintenance of interior ventilation systems in renter-occupied dwellings.

Electrical Systems

Current: Fire Code has limited maintenance authority, applicable to fire hazards or the unsafe use or installation of electrical devices. The Dangerous Building Code (Corvallis Municipal Code 9.01) pertains to the disconnection and abatement of hazardous utilities and equipment.

Gap: There is no requirement for the replacement of compromised electrical system components, which is a common occurrence following water exposure by leaks or flooding. There is no requirement in existing structures for bathrooms, kitchens and other water-containing or producing rooms to have ground fault circuit interrupt outlets.

Resolution: Develop standards for renter occupied dwellings requiring replacement of electrical equipment and devices if exposed to water, with some exceptions.

Plumbing Systems

Current: The Rental Housing Code (CMC 9.02.090) requires that plumbing systems be installed and maintained safe and sanitary, free of leaks. Oregon Plumbing Code (OPC 303.0) states that all discharge of liquid wastes must be done via an approved drainage system in compliance with OPC provisions.

Gap: There is no applicable definition or standard for water system performance, specifically, for “hot” water.

Resolution: Develop a measurable temperature standard for water system performance in renter-occupied dwellings.

Interior Sanitation

Current: Solid Waste provisions under CMC 4.01 prohibit the accumulation of solid waste. Rat Harborage provisions under CMC 4.02 prohibit conditions that contribute to rodent harborage. Excessive (very unsanitary/unsafe) conditions of sanitation are addressed by the Dangerous Building Code (CMC 9.01).

Gap: There are no provisions for the maintenance of sanitary conditions in common areas of multifamily structures, or for interiors of all dwelling types (owner or renter occupied). There are no standards requiring the maintenance or repair of bathroom and kitchen surfaces, making it difficult to prevent them from becoming unsanitary.

Resolution: Develop standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions in renter-occupied dwellings.

Heating

Current: The Rental Housing Code (CMC 9.02.090) calls for a permanent source of heat with the ability to provide 68F temperature in all habitable rooms.

Gap: There is no requirement for heat in bathrooms or work spaces.

Resolution: Develop measurable, minimum heating performance standards for work spaces, habitable rooms, bathrooms and toilet rooms in renter-occupied dwellings.

Security

Current: The Rental Housing Code (CMC 9.02.090) calls for working locks on windows and doors.

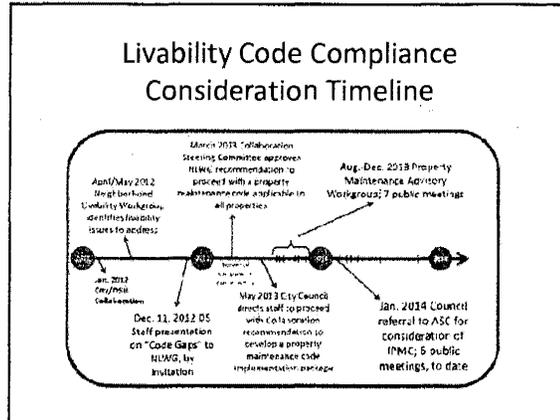
Gap: There is no specific requirement for properly functioning door knobs/latches, or standards for adequate door/window hardware. Often, door knobs for entrance doors are in the form of an interior-type door knob lockset or some other inadequately safe and effective for, and, with a hasp-type lock rather than a locking door knob or deadbolt.

Resolution: Develop requirements for doors and door hardware to be maintained to a level sufficient to provide security for occupants, and for deadbolts, in renter-occupied dwellings.

**City of Corvallis
Administrative Services Committee**

*Continued Discussion of Livability
Code Provisions: Interior Elements*

November 5, 2014



Background

During early discussions about the development of property maintenance code standards with the Property Maintenance Code Advisory Group, staff recommended several changes, additions and deletions relative to the first-considered model, the International Property Maintenance Code. That model is no longer under consideration, but some of staff's early recommendations remain relevant to the current discussion.

Examples of Staff-recommended Changes/Additions/Deletions

Apply code standards such that rental properties will be subject to all applicable provisions (interiors and exteriors), but non-renter residential property types, including owner-occupied properties, will only be subject to exterior provisions.

Apply code standards with recognition of and sensitivity to the challenges that may be encountered in older and historic structures.

Other than those that would be deemed serious offenses, consider violations as infractions rather than misdemeanors.

Examples of Staff-recommended Changes/Additions/Deletions

Support landlord requirements that their tenants contract for the removal of rubbish and garbage; the landlord would remain responsible for the removal of rubbish and garbage in the event their tenants fail to do so. Provide a definition of "approved containers" in order to allow containers other than/in addition to those provided by Republic Services.

Include provisions to allow for active composting of appropriate materials.

Add provisions to define indoor furniture, and to prohibit the storage of indoor furniture outdoors.

The Maintenance Gap



*New Construction/
Permitted Alterations*

Limited maintenance provisions are available through the Municipal Code, Land Development Code and Rental Housing Code.



Declaration of a Dangerous Building

City of Corvallis
Administrative Services Committee

*Continued Discussion of Livability
Code Provisions: Interior Elements*

November 5, 2014

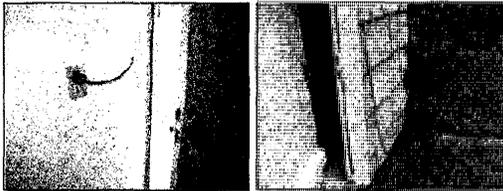
Interior Lighting

Current: Under state and local Fire Code, multi-family and commercial structures are subject to Fire Code inspections of common areas for adequate lighting of exit discharge paths.

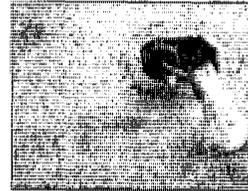
Gap: The City receives complaints regarding a lack of adequate lighting in halls, stairways or basements in all occupancy types where the cause is something more than a burned out light bulb. There are no code standards or provisions for the maintenance of adequate interior lighting in one- or two-family dwellings.

Resolution: Develop standards requiring the maintenance of adequate interior lighting of exit discharge paths in renter-occupied dwellings.

Interior Code Gap Example: *Interior Lighting*



Interior Code Gap Example: *Interior Lighting*



Interior Code Gap Example: *Interior Lighting*



Ventilation

Current: There are no current code standards for operational performance or the maintenance of ventilation systems.

Gap: Inadequate/non-functioning kitchen, bathroom and clothes dryer ventilation systems contribute to mold growth and surface degradation. In addition, incorrect or inadequate clothes dryer ventilation contributes to fire hazard potential.

Resolution: Develop standards and performance criteria for the maintenance of interior ventilation systems in renter-occupied dwellings.

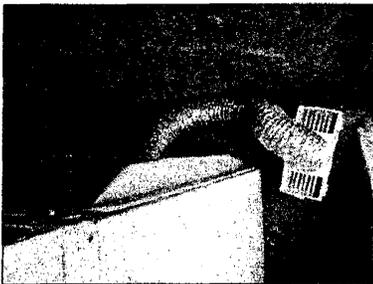
**Interior Code Gap Example:
*Ventilation***



**Interior Code Gap Example:
*Ventilation***



**Interior Code Gap Example:
*Ventilation***



Electrical Systems

Current: Fire Code has limited maintenance authority, applicable to fire hazards or the unsafe use or installation of electrical devices. The Corvallis Dangerous Building Code pertains to the disconnection and abatement of hazardous utilities and equipment.

Gap: There is no requirement for the replacement of compromised electrical system components, which is a common occurrence following water exposure by leaks or flooding. There is no requirement in existing structures for bathrooms, kitchens and other water-containing or producing rooms to have GFCI outlets.

Resolution: Develop standards for renter-occupied dwellings requiring replacement of electrical equipment and devices if exposed to water, with some exceptions.

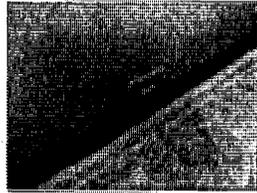
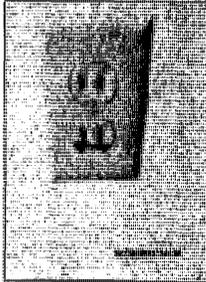
**Interior Code Gap Example:
*Electrical Systems***



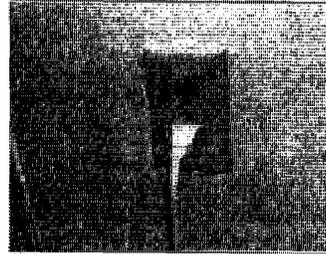
**Interior Code Gap Example:
*Electrical Systems***



**Interior Code Gap Example:
Electrical Systems**



**Interior Code Gap Example:
Electrical Systems**



Plumbing Systems

Current: The Rental Housing Code requires that plumbing systems be installed and maintained safe and sanitary, free of leaks. Oregon Plumbing Code states that all discharge of liquid wastes must be done via an approved drainage system in compliance with OPC provisions.

Gap: There is no applicable definition or standard for water system performance, specifically, for "hot" water.

Resolution: Develop a measurable temperature standard for water system performance in renter-occupied dwellings.

Interior Sanitation

Current: Solid waste provisions under CMC 4.01 prohibit the accumulation of solid waste. Rat harborage provisions under CMC 4.02 prohibit conditions that contribute to rodent harborage. Excessive (very unsanitary/unsafe) conditions of sanitation are addressed by the Dangerous Building Code.

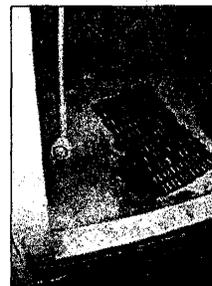
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Resolution: Develop standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions in renter-occupied dwellings.

**Interior Code Gap Example:
Sanitation**



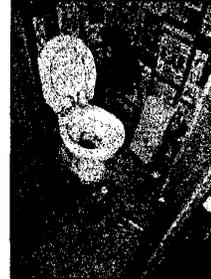
**Interior Code Gap Example:
Sanitation**



**Interior Code Gap Example:
Sanitation**



**Interior Code Gap Example:
Sanitation**



Heating

Current: The Rental Housing Code calls for a permanent source of heat with the ability to provide 68°F temperature in all habitable rooms.

Gap: There is no requirement for heat in bathrooms or work spaces. A lack of heat, like a lack of adequate ventilation, may lead to conditions that encourage mold growth.

Resolution: Develop measurable, minimum heating performance standards for work spaces, habitable rooms, bathrooms and toilet rooms in renter-occupied dwellings.

**Interior Code Gap Example:
Heating**



**Interior Code Gap Example:
Heating**



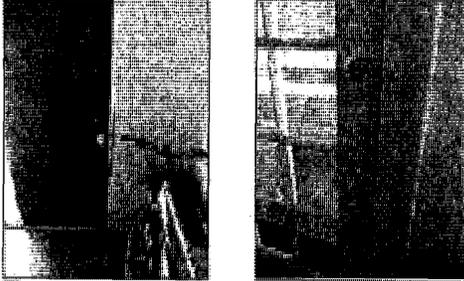
Security

Current: The Rental Housing Code calls for working locks on windows and doors.

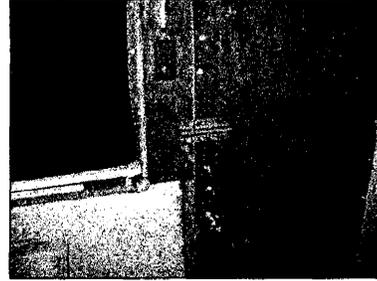
Gap: There is no specific requirement for properly functioning door knobs/latches, or standards for adequate door/window hardware. Often, door knobs for entrance doors are in the form of an interior-type door knob lockset or some other inadequately safe and effective form, and, with a hasp-type lock rather than a locking door knob or deadbolt.

Resolution: Develop requirements for doors and door hardware to be maintained to a level sufficient to provide security for occupants, and for deadbolts, in renter-occupied dwellings.

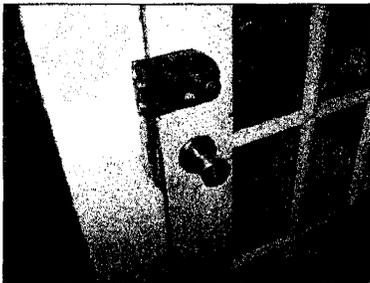
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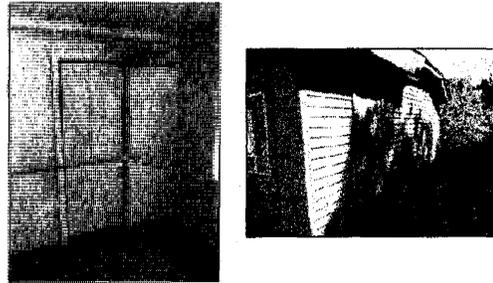
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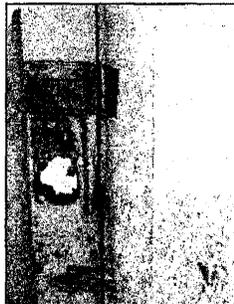
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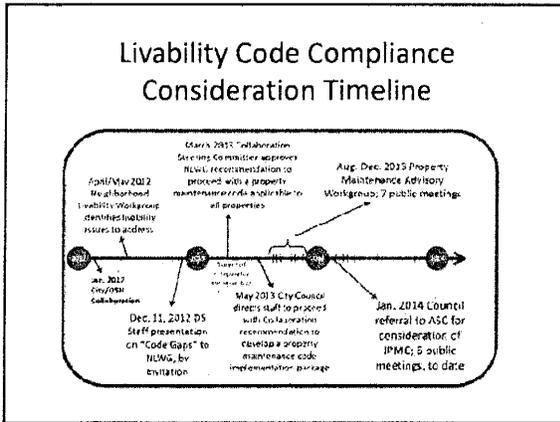
**Interior Code Gap Example:
Security**



35

City of Corvallis
Administrative Services Committee

*Continued Discussion of Livability
Code Provisions: Interior Elements*
November 5, 2014



**ADMINISTRATIVE SERVICES COMMITTEE
MINUTES
November 5, 2014**

Present

Councilor Hal Brauner, Chair
Councilor Joel Hirsch
Councilor Biff Traber

Visitors

Jim Brady
Carl Carpenter
Bill Cohnstaedt
Kent Daniels
Patricia Daniels
Drew Desilet
Charlyn Ellis
Cassie Huber
Jim Moorefield
Sue Napier
Deborah Weaver
John Wydronek

Staff

Nancy Brewer, City Manager *Pro Tem*
Ken Gibb, Community Development
Director
Dan Carlson, Development Services
Division Manager
Kent Weiss, Housing and Neighborhood
Services Division Manager
Bob Loewen, Housing Program Specialist
Chris Westfall, Code Compliance
Supervisor
Emely Day, City Manager's Office

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Livability Code/Neighborhood Outreach Program Review (interior structure conditions)	Yes		
II. Status of Renaming Advisory Boards, Commissions, and Committees Update, including review of Council Policies 91-2.02, "Council Process," and 94-2.08, "Council Liaison Roles"			<ul style="list-style-type: none"> • Amend Municipal Code Chapter 1.16, "Boards and Commissions," by means of an ordinance to be read by the City Attorney • Amend Council Policy 91-2.02, "Council Process" • Amend Council Policy 94-2.08, "Council Liaison Roles"
V. Other Business A. Council-Referred Topic	Yes		

CONTENT OF DISCUSSION

Chair Brauner called the meeting to order at 3:30 pm.

I. Livability Code/Neighborhood Outreach Program Review (interior structure conditions)

Staff distributed testimony recently e-mailed to Committee members by Kent Daniels (Attachment A).

Community Development Director Gibb began a PowerPoint presentation regarding the livability code compliance consideration timeline since January 2012, when the Oregon State University (OSU)/City Collaboration Project Steering Committee began meeting; background information; and gaps among existing codes applicable to structures (Attachment B). The City's Building Code applied to new construction and permitted alterations and included provision for the City to declare a building dangerous. The City's Municipal Code, Land Development Code (LDC), and Rental Housing Code (RHC) applied to certain limited situations. Today's discussion concerned whether legislation should be enacted to address gaps among those Codes.

Interior Lighting

Housing and Neighborhood Services Division Manager Weiss presented photographs of situations in local housing that would "fall into the Code gaps," over which the City did not have enforcement authority.

Code Compliance Supervisor Westfall clarified that the Oregon Structural Specialty Code defined one- and two-family dwellings and multi-family dwellings. If the City Council established a property maintenance code, it could allow for a consistent definition of multi-family dwellings.

Mr. Gibb said staff would present information and, eventually, seek the Committee's direction regarding issues it would like addressed; and staff would develop corresponding Code language.

Chair Brauner said he would review staff's presentation in terms of the degree and importance of Code gaps and the level of staff work needed to resolve the Code gaps and set priorities for resolving the Code gaps.

Mr. Westfall explained photographs of sample interior lighting situations that were not addressed by existing Codes. One example was a landlord's solution for providing interior lighting by running an extension cord from an exterior junction box through an exterior wall to an interior outlet; the situation, involving an illegal electrical use, could be addressed through Electrical Code requirements. Other examples involved removal of an interconnected smoke alarm to install an overhead light in an otherwise unlighted room and use of a drop cord in a room with a non-functioning light. Staff could resolve the electrical issues through the Electrical Code, but the City did not have a Code to address provision of interior lighting. He confirmed that enforcing the Electrical Code in those two scenarios would result in a living space without provisions for lighting, and the City did not have a means of requiring provisions for lighting. New construction would be subject to Code

requirements for provisions for lighting; existing structures were not subject to such requirements.

Mr. Westfall reviewed another example that could be partially addressed through the Electrical Code but would result in no provisions for interior lighting. Electrical conductors were surface mounted (in violation of the Electrical Code) and extended from a bathroom vanity to a light/exhaust fan inserted in a window and to a ceiling-mounted light. The City did not have Code provisions to require interior lighting in a bathroom. Bathrooms were not considered habitable spaces or parts of exit discharge paths; therefore, they were not subject to the lighting requirements for multi-family dwellings.

Mr. Westfall clarified that the Building Code specified exit discharge paths for new construction as defined by the Oregon Structural Specialty Code – usually the front exit and a continuous path into or out of spaces. One- and two-family residential structures were not be subject to the Fire Code requirement to maintain exit lighting. Multi-family dwelling structures were not subject to Fire Code maintenance standards for lighting in non-habitable spaces, including bathrooms, which were not classified as habitable space.

Mr. Westfall further clarified that any location within a dwelling to an outside entry/exit point could be considered an exit discharge path for purposes of a maintenance code. This provision was not defined for one- and two-family dwellings units, as it was defined for multi-family (three or more units) dwellings. Multi-family dwelling developments assumed some commercial or assembly occupancy levels within the structure with prescriptive dimensions associated with exit discharge paths. The route to get from a bedroom or bathroom to an exterior door could be considered an exit discharge path.

Councilor Traber said he would expect resolution of the interior lighting issue to have the same type of language for residential dwellings as for commercial developments, in that an exit discharge path would be considered to extend from any location within the structure to an exterior entry/exit point.

Councilor Hirsch opined that lighting seemed a reasonable requirement, especially during emergency situations. He questioned whether a battery-powered light would be sufficient.

Mr. Westfall explained that a back-up, emergency lighting system that operated during a power outage would be acceptable for commercial developments.

Councilor Traber opined that the resolution statement, "requiring the maintenance of adequate interior lighting" should be based upon the fire safety definition of "adequate lighting," rather than a certain brightness rating.

Chair Brauner noted that residents may have varying preferences for lighting levels, but there should be a minimum standard requirement for safety.

Jim Brady managed some rentals that were constructed during 1971 and had swag lamps, similar to the photograph with the drop cord that staff presented. He did not consider the photographed situation negative. His 1,000-square-foot, two-bedroom rental unit built during 1969 had lighting in the hall and bedrooms but did not have built-in lighting; his tenants needed to provide lamps. He questioned whether the suggested resolution to require lighting the length of an exit discharge path would require him to install lighting fixtures.

John Wydronek interpreted the concerns as involving lighting to enable occupants to exit structures, but he believed the photographed scenarios were of a different nature. He questioned whether the suggested resolution would pertain to maintenance of existing lighting or allow City staff to recommend that landlords install lighting based upon tenants' complaints. Many of his rental units did not have built-in lighting in the living rooms but had light switches wired to electrical outlets. The same condition existed in the bedrooms of his rental units that were constructed during the 1950s. Without knowing exactly what staff might propose as a resolution, it was difficult for him to offer comments.

Councilor Hirsch said his earlier inquiry was intended to address the question of whether landlords were required to provide lighting or the ability for tenants to light an area. He believed exit routes should be clearly lit so occupants could find a path out of a structure during an emergency.

Bill Cohnstaedt expressed concern about governmental entities inspecting the interior and exterior of residences. He opined that there was no merit in the government's ability to inspect single-family, owner-occupied residences versus single-family, tenant-occupied residences. He said Oregon Revised Statute 90 concerning landlord/tenant laws intended that, when a tenant gained possession of a property, the tenant was considered the occupier of the property; and the landlord had no more rights than anyone else to access the property without written notice to the tenant. A building should be inspected, regardless whether it was occupied by its owner or a tenant. He observed owners and tenants create the same lighting situations depicted in the photographs. He opined that the inspection provision should apply to all properties or to no properties, as there was no distinction in physical structures or the government's interest in public safety; there should not be a distinction based upon the owner or tenant status of the occupant. Tenants and owners had the same rights to safety and protection.

Mr. Cohnstaedt noted that commercial and multi-family dwelling structures usually had multiple exits. He recalled that fire departments taught families to develop multiple exit plans with various exit points.

Councilor Hirsch opined that a property maintenance code provision regarding interior lighting should probably apply to tenants and owners. Enforcement of a code would be based upon complaints. It was unlikely that an owner would acknowledge not following a code, so the City would not know about the owner's non-compliance. Requiring safe residences, regardless of occupancy status, should be consistent.

Mr. Cohnstaedt urged that a property maintenance code be applicable to all types of residences and occupancy status situations; the City could respond to complaints, although complaints may only involve rental properties.

Councilor Traber opined that there was a distinction between tenant/landlord relationships and situations of owners living in their own homes and deciding what risks they wanted to assume. Landlords were deciding how they wanted their rental units wired, and tenants did not have ability to make those decisions or alter the wiring and, therefore, assumed the landlord-created risks. He believed the City should have some safety codes that tenants could rely upon when seeking government assistance for code enforcement.

Mr. Cohnstaedt opined that an adult "child" should be able to ask the City to inspect the family home where their elderly parent, possibly suffering from dementia, resided, despite unsafe conditions, in order to protect the safety of their parent and the parent's neighbors.

Sue Napier opined that an inspection by Fire Department staff would catch the Electrical Code violations depicted in the photographs and require correction. Therefore, she believed the suggested resolution would duplicate the Electrical Code. She had recovered rental properties after tenants vacated and found holes in the walls; the tenants explained they drilled the holes to run an extension power cord. She observed situations such as those depicted in the photographs in more owner-occupied residences than in tenant-occupied residences. Lighting requirements should not be applicable only to rental properties.

Staff clarified that Fire Department staff only inspected multi-family residential dwellings.

Patricia Daniels commented that lack of adequate lighting heightened disorientation when someone was trying to exit a burning building at night. One lit path from any location within a dwelling to an exit was essential. She considered the lighting issue a matter of public safety and appreciated Councilor Traber's statement regarding public safety when people did not have control over all of the circumstances of their residences.

Kent Daniels noted that the issue involved tenant-occupied dwellings. Broadening the requirement to owner-occupied residences would probably be defeated via a voter referendum. He noted that the livability code discussions focused on tenant-occupied dwellings.

Mr. Daniels suggested that the Committee seek the City Attorney's advice in response to testimony from attorneys.

Councilor Traber noted that, in the situation depicted in the third photograph, the light and surface-mounted electrical conduit could be removed to meet the Electrical Code; however, the bathroom would not have any built-in lighting. Mr. Westfall clarified that the photograph included an exterior window but not the vanity light, which had electrical power but failed to

function. Rather than repairing the vanity light, the property owner added the ceiling-mounted light and lowered a window to install a clothes dryer vent exhaust fan, surrounded by plywood and cardboard.

Ventilation

Housing Program Specialist Loewen explained photographs of bathrooms without exhaust fans; windows were present but could not be opened, resulting in no ventilation. He often saw situations where exhaust fans were present but did not have enough power to draw moisture from the bathroom.

Mr. Westfall explained a photograph of a clothes dryer vented to a lint screen, which removed some of the lint but did not remove moisture from the air; the moisture was discharged into the common living space. An unmaintained lint screen could become filled with lint and create a fire hazard. The photograph was from a single-family residence and was not subject to current City codes. He explained that the Oregon Fire Code, derived from international model codes (as were the other Oregon "suite" of building codes), considered one- and two-family dwellings to create a lower level of public exposure, even though many one-family dwellings were rental units. Responsibilities for enforcing building and fire codes were separated in the early 1900s in terms of new construction, structural alterations, and maintaining fire safety of existing structures. At that time and since then, fire departments were primarily concerned with the fire safety issues of multi-family dwellings and non-residential occupancy structures.

Mr. Westfall added that similar moisture issues occurred in kitchen areas from cooking activities. Mold needed a food source, moisture, and heat to grow; when ventilation of moisture was not available, mold could develop, for which there were no federal, state, or local standards.

Councilor Traber said he would be considering the issue of how much clothes dryer lint build-up was considered too much and constituted a contributing factor to a fire hazard.

Chair Brauner acknowledged that the ventilation issue should not be limited to rental structures, and some aspects of the issue would be addressed by the Fire Code.

Jim Brady noted that the bathroom mold situations could have been caused by a resident having a hot shower, turning off the light, and closing the bathroom door. Not properly using a working fan after a hot, steamy shower could contribute to mold in a bathroom.

Chair Brauner noted that the photographs staff presented were intended to be representative examples of the various situations staff observed when investigating complaints.

Mr. Weiss added that the City did not have standards regarding mold and did not inspect for mold.

Jim Moorefield commented that Willamette Neighborhood Housing Services (WNHS) was the administrative and lead agency for Linn Benton Health Equity Alliance; therefore, as WNHS Executive Director, he focused on health equity issues, including ventilation. Poor indoor air quality occurred as a combination of ventilation, compromised building structure (siding, roof, and windows), and occupant behavior. If residents did not use ventilation fans or if fans did not work properly, there could be a lot of moisture in the residence. Some people put plastic over windows to keep warm air inside and cold air outside during winter months, but that contributed to moisture accumulation in the residence. Some cooking styles, without proper ventilation, could contribute to moisture and poor air quality. Part of the problem resulted from relative humidity (moisture, heat, and ventilation). He urged the Committee to consider the ventilation issue holistically, along with other possible aspects of a property maintenance code. He believed the community wanted more housing with good quality air, which would require a combination of several building systems and other circumstances. Under the federal Affordable Care Act, he understood that health care systems were responsible for addressing issues for which people spent the most funds for health care, including chronic disease. In the Willamette Valley, childhood asthma and allergies were considered chronic conditions. He believed it was inappropriate to allow conditions to exist where children had difficulty breathing and must repeatedly seek medical assistance. The problem could be alleviated by providing access to healthy housing.

John Wydronek understood that the current Codes allowed bathroom windows that could be opened as adequate ventilation. One of his older buildings had ranges that did not vent out of the building; they had filters and re-circulated the air. He asked what a property maintenance code might require for those circumstances, noting that the building met codes when it was constructed. He asked what types of standards might be required for bathroom ventilation systems in older residences; specifically, he asked whether he would be required to replace a ventilation system that had a new motor and clean ducting but did not meet air-flow specifications, or would the system be acceptable because it met codes in effect when the building was constructed.

Mr. Wydronek commented that, during the 28 years he owned rental units, he periodically had tenants who reported mold problems. The bathrooms had functioning ventilation systems, and he removed the mold; however, the tenants' living habits contributed to the mold growth.

Councilor Traber said he would focus on functioning ventilation systems, rather than the presence of mold constituting a violation. A functioning ventilation system and mold would indicate a tenant responsibility.

Sue Napier commented that the third photograph depicted a clothes dryer venting system common in older homes. She explained that the dryer was vented into water, and the lint box was emptied weekly; the air returning to the living space was free of lint. Older houses (1950s and earlier) did not have systems to vent clothes dryers to the outside.

Ms. Napier said tenants' lifestyles could contribute more moisture to the interior air than a ventilation system could remove. Changing existing structural requirements may not change tenants' lifestyles and prompt them to use ventilation systems properly. Newer housing units were constructed with bathroom ventilation fans with 20-minute timers that could not be stopped early. She added a provision to her lease agreements that tenants must leave bathroom ventilation fans operating after showers to alleviate moisture situations.

Charlyn Ellis said her rental unit did not have a bathroom ventilation fan, but she installed a fan between tenancies. She believed it was appropriate for property owners to maintain their properties at high standards. Ventilation fans helped air circulation, reduced mold growth, and should help her property last longer. She improved her rental property, based upon information she learned as a member of the Collaboration Project Neighborhood Livability Work Group (NLWG) and the Property Maintenance Code Advisory Group (PMCAG), and she considered the improvements "common sense" actions and beneficial to property owners and tenants.

Electrical Systems

Mr. Weiss confirmed that the suggested gap resolution would include installation of ground fault circuit interrupter (GFCI) outlets. Mr. Westfall clarified that the Building Code required GFCI outlets in some wet locations for new construction or re-modeling. The Fire Code did not address this issue for one-, two-, or multi-family residential dwellings; the Code addressed hazardous conditions, such as electrical devices. The Building and Fire Codes could address hazardous conditions caused by electrical devices. The issue before the Committee involved water-damaged or compromised electrical equipment that would have a corrosion or short-circuit issue in water-producing or water-present environments.

Mr. Westfall explained a photograph of an older, exterior, screw-in fuse circuit breaker that had standing water in the bottom of the device box. The City would not be able to address the issue until a hazardous electrical situation developed. The situation became so hazardous that the building was declared dangerous. Under current codes, water entering an exterior electrical device was not a condition the City could require be corrected. The exterior electrical circuit breaker could be covered and comply with current codes. Staff would suggest requiring that the circuit breaker depicted be replaced because it was exposed to water and was compromised.

Mr. Westfall explained a second photograph of an exterior-mounted circuit breaker box in a single-family rental home, where the problem was "resolved" by placing a box around the existing box, yet both boxes leaked. Staff was concerned about the potential for sensitive, electrical devices to be compromised by water.

Mr. Westfall said staff often received calls about situations of water from an upper-floor pipe or a failed roof system seeping through ceiling light fixtures or wall outlets. Water could

permeate an electrical outlet and enter living spaces. Current Codes did not allow City staff to require that the outlet be replaced, unless it became a hazardous electrical device.

Mr. Loewen referenced a photograph of an outlet, explaining that a non-functioning baseboard heater was removed, leaving exposed, bare electrical wires. The landlord gave the tenant an electric, moveable space heater. When the heater was plugged in, the outlet was burned.

Mr. Weiss clarified that electrical components were often, but not always, compromised by water damage.

John Wydronek inquired whether GFCI outlets would be required if they did not exist, or if failed bathroom outlets must be upgraded to GFCI outlets. He understood from previous discussions that installation of GFCI outlets would be required only when outlets were replaced.

Carl Carpenter expressed concern about the wording regarding electrical components exposed to water. He asked if he would be required to replace an electrical outlet that was exposed to water if it was not damaged.

Plumbing Systems

Mr. Weiss explained that City codes did not include a measurable temperature standard for "hot" water in renter-occupied dwellings. Staff was unable to enforce corrective action in some cases because of the lack of a definition in the Rental Housing Code for "hot" water. He confirmed that "cold-water flats" were essentially outlawed in Corvallis by the City requiring hot water in rental dwellings, but a definition of "hot water" was needed.

Mr. Westfall said the City had a requirement that hot water not be hotter than a specific temperature for safety reasons. Development Services Division Manager Carlson confirmed that a minimum temperature was specified for new construction but not for existing structures.

Mr. Loewen said he responded to complaints of rental units with no hot water. Approximately one year ago, units in a newly constructed multi-family property had lukewarm water after water flowed for 20 minutes, even though there was no immediately previous use of hot water.

Interior Sanitation

Mr. Weiss acknowledged that unsanitary conditions were often the result of residents' actions, rather than landlords' actions. The suggested resolution could help landlords respond to unsanitary conditions in their rental units.

Mr. Westfall said staff received complaints about sanitation conditions and heard about such conditions during NLWG or PMCAG discussions. He presented photographs of a kitchen for which City staff attempted to assist the property owner seek resolution of an unsanitary situation before the building was deemed dangerous. Often, the condition involved overall unsanitary conditions, rather than merely accumulation of solid waste. The City did not have a standard for unsanitary conditions. Typically, a Benton County Health Department (BCHD) sanitarian would evaluate a situation to determine whether it was unsanitary or unfit for human habitation. As applied under the Dangerous Building Code, "unsanitary" and "unfit for human habitation" were considered different conditions and were subjectively defined but were based upon informed research and training for sanitarians. Staff would seek a means other than the Dangerous Building Code to identify a minimum level of sanitation that must be maintained.

Mr. Weiss clarified that staff suggested an assignment of responsibilities for landlords and tenants. There could be situations where tenants caused unsanitary conditions. City staff could respond to a complaint of a landlord who was unable to reach a resolution with a tenant.

Mr. Westfall clarified that, currently, the BCHD sanitarian must declare a situation so unsanitary that the building was dangerous. He would not suggest that action as a resolution to the gap in codes, but he would suggest a standard that must be met before the BCHD sanitarian was asked to evaluate a situation for habitability.

Councilor Traber expressed concern regarding defining unsanitary conditions without an expert's input, as there could be many opinions of what constituted unsanitary conditions.

Mr. Westfall clarified that the Municipal Code identified the BCHD as the City's health officer for enforcement of the Dangerous Building Code. Ideally, the City would develop a standard, with input from stakeholders, that seemed reasonable and was somewhat objective to define what interior conditions were beyond what should be allowed.

Councilor Hirsch opined that there was a definitive criteria for dangerous sanitation conditions.

Mr. Gibb acknowledged that some code provisions were difficult to specifically define, and the Committee would need to decide whether it was appropriate for professional judgment to be exercised. Mr. Westfall clarified that the City had criteria for declaring a building dangerous. One of the criteria involved the BCHD sanitarian determining that the conditions were unsanitary. Mr. Gibb said a similar provision could be included in a City code provision, if the BCHD sanitarian's services would be available to the City on a regular basis. He noted that the City did not have an intergovernmental agreement with BCHD for this service.

Chair Brauner noted that the suggested resolution would enable City staff to help landlords address unsanitary conditions they were not able to otherwise resolve.

Mr. Westfall said staff often received calls from landlords for assistance dealing with sanitation conditions that the landlords could not resolve through the State's landlord/tenant laws but that would cause more problems if not resolved.

Mr. Westfall presented a photograph of a homemade patch in the floor of a fiberglass shower stall; the patch was deteriorating and creating an environment for mold and mildew growth, leading to an unsanitary condition. He presented photographs of toilet situations, explaining that tenants may choose to experience unsanitary conditions, regardless the landlords' preferences. The City did not have a means of resolving these situations, unless the situation was so bad that the building would be deemed unsafe. The issue could be a question of personal choices in living environments or conditions so unsanitary that they created public health concerns.

Patricia Daniels opined that assigning responsibilities to landlords and tenants was evidently essential. She hoped that establishing sanitation standards would help landlords. Without specific standards, sanitation conditions would continue to be a matter of dispute. She referenced previously submitted testimony and suggested that some people may not understand Oregon's law regarding hoarding. She checked with the City Attorney's Office and learned that the law only addressed an individual's mental health condition and did not govern the condition of a property. The law also did not interfere with a landlord's right to evict a tenant who was unable to maintain property in a safe and sanitary condition, regardless of the reason. A landlord could not refuse to rent to someone simply because they had a mental illness. However, a landlord could refuse to rent to someone with a reference record of being unable to maintain their living space in a sanitary condition.

John Wydronek opined that landlords had ways of dealing with sanitation issues, such as eviction notices and lease provisions requiring that property be maintained in an orderly condition. He believed landlords could have easily evicted the people whose living conditions were depicted in the photographs. He questioned how the City would enforce a sanitation requirement against tenants, noting that only landlords had the right to evict tenants.

Jim Moorefield concurred with most of the comments presented and said he would welcome the ability to shift to the City the responsibility regarding reasonable accommodation for someone with a disability. He concurred with Ms. Daniels' testimony and said WNHS incurred significant expenses defending cases involving reasonable accommodation, which often were not clear. People with mental illness disabilities sometimes had difficulty caring for themselves. The difference between the ability to care for oneself and being a danger to oneself or others was not clear. He would welcome more discussion with the City and Benton County regarding enforcing stronger sanitation rules. He said not all landlords could rent on a monthly basis or easily and quickly evict a tenant due to sanitation conditions. Federal rules regarding affordable housing required 30 days' notice for evictions; the notices were often appealed, delaying the eviction process. Reasonable accommodation issues were difficult to define and address. It would be

beneficial if the City could clarify when Benton County should involve a mental health worker in taking an active role in helping someone live independently.

Heating

Mr. Weiss clarified that if air was not warm, it would not dry a room, leading to mold growth.

Mr. Westfall explained that the previously considered model property maintenance code included the term "work space," defined as areas where people worked; staff originally suggested including the term to address lack of a definition in the City's existing codes; however, as the current discussion contemplated only residential rentals, the term could be deleted.

Councilor Traber said he considered his garage a work space, but he did not want to be required to heat it. A non-specific definition could result in confusion. He suggested that bathrooms be added to the list of habitable spaces in the existing codes.

Sue Napier inquired whether bathroom ceiling heat lamps would be considered a means of heating a space. Staff clarified that room temperature resulting from any source, including a heat lamp, must be at least 68°F.

Security

Mr. Loewen presented a photograph of an exterior door that was not flush with the door frame, leaving a gap so large that the lock on the door would not sufficiently extend into the door frame; the door could easily be pushed open. Another photograph depicted a door with a cabinet-style handle in place of a door knob and a deadbolt lock that did not work from the inside. The deadbolt could be locked from the outside, potentially locking someone in the building; the issue was corrected.

Mr. Westfall described a photograph of an exterior door with a deadbolt lock and standard entrance lockset. Above those devices was a large-diameter throw bolt, which could create a dangerous situation – someone must have special knowledge in the workings of a throw bolt and of its presence. Someone outside the door would be unable to enter (e.g., in an emergency situation) if the throw bolt was engaged. Staff anticipated that a property maintenance code would prohibit installation of locks for which special knowledge of action was required, including throw bolts and locks that would only operate from one side of the door but allow deadbolt locks and standard entrance lock sets.

Mr. Westfall described a photograph of an exterior door with a lock that could only be operated with a key from inside or outside; without a key, someone could not exit the structure through the door. He observed similar lock scenarios on solid and glass-paneled doors.

Mr. Westfall presented a pair of photographs of an exterior door into a garage converted to living space; the door opened into a created "bedroom closet." The door had a hole where a door knob or lock should be. The door had weather stripping but no security and no means of securing it closed.

Mr. Loewen described a photograph of a door with a deadbolt lock without a receiving device and no door knob. The door provided some security but no weather protection, due to the hole where the door knob should be.

Mr. Weiss referenced previous PMCAG discussions regarding security and a suggested requirement for bathroom doors that could be locked. He acknowledged Councilor Traber's concern regarding enforcing requirements in all situations when they were needed in only some situations. Councilor Traber noted that the Rental Housing Code required working locks. Mr. Westfall said previous public discussions included requiring deadbolt locks and clarifying what security provisions would be required. Some of the example scenarios had the required lock elements, but they did not provide the intended security. Councilor Traber expressed a preference for broadening the existing code definition of required, "working" security devices.

Mr. Gibb indicated that, for a future Committee meeting, staff would suggest some provisions to address general maintenance issues.

Bill Cohnstaedt said, from his experience as a landlord and from working with landlords, prohibiting residents from locking doors to personal spaces and requiring tenants to provide renter insurance forced them to "police" each other's behavior and who entered the premises. He did not support a concept of interior security in a rental occupied by students, as it would lead to residents being isolated in their bedrooms. That situation could become dangerous if an inappropriate person was at the residence. It would be more desirable for residents to work together toward mutual security. Residents' peer pressure could also reduce party issues, as residents would not be able to retreat to a lockable room. He was concerned about unintended consequences from requiring security for interior doors. The suggested resolution implied interior security. He suggested that bathroom door locks be the type that would allow entry from outside the room in an emergency situation.

John Wydronek concurred with some of Councilor Traber's comments regarding modifying the existing Rental Housing Code. He noted that the current Rental Housing Code required locks on windows and exterior doors to provide safety for residents. The photographic examples appeared to be ways of getting around the requirement. Re-writing the existing Rental Housing Code to clearly state what was expected should be fairly easy. He disagreed with not allowing secondary latches, as many tenants added slide locks or peepholes. He supported the intention of providing residences safe from break-ins.

Sue Napier concurred with Mr. Cohnstaedt's suggestion of bathroom door locks that could be unlocked from outside the room in emergency situations. She noted that special considerations were needed for exterior doors if young children resided in the structure.

Chair Brauner clarified for Ms. Napier that the issue of inspections would be discussed during a future Committee meeting.

Mr. Weiss reiterated that a property maintenance code would be enforced in response to complaints, and properties would only be inspected upon request of tenants or landlords.

Drew Desilet, OSU Student Advocate, represented OSU students. He said students often came to OSU not knowing how to advocate for themselves and correct problems. He believed City and OSU outreach to students was good. Some rental properties were in poor condition. OSU provided free legal counsel to its students; 75 percent of students' legal cases involved landlord/tenant issues, many of which pertained to livability. He urged the Committee to not create an "us versus them" situation and to work toward providing housing for OSU students and low-income residents who did not know how to, or did not have the ability to, advocate for themselves.

Patricia Daniels said Cassie Huber, representing Associated Students of OSU, left the meeting and would e-mail her testimony.

Ms. Daniels thanked the Committee for working to address sub-standard conditions in Corvallis rental residences. She quoted the City's "*2020 Vision Statement*" goal that "in 2020, Corvallis will be home ... a good place for all kinds of people to live and to lead healthy, happy, productive lives." She noted that the goal applied to tenants, people with low or moderate incomes, and OSU students. Conditions in some Corvallis rental units prevented people from achieving the cited goal.

Ms. Daniels referenced previously submitted testimony that existing codes addressed the housing conditions presented today, negating the need for new codes or authorities. She said the Building Code applied to new construction or extensive renovation. Most of the problematic properties were older and not subject to the Building Code. The City's Building Official would become involved when a severe condition might warrant declaring a building dangerous. She believed closing the gaps among codes would maintain habitable rental properties so they did not become dangerous.

Ms. Daniels referenced assertions that some of the corrections being considered might violate requirements for historic properties. She clarified that the Committee was considering interior issues. Historic properties were subject to restrictions only for exterior changes.

Ms. Daniels concluded that all of the issues presented today affected tenants' health and safety. She noted that tenants comprised more than one-half of the City's population and deserved the City's protection. She believed most responsible landlords abided by the existing codes and the suggested code gap resolutions because of ethics, business, or liability reasons and would not be affected by the suggested property maintenance code provisions.

Councilor Hirsch concurred that most property owners already took appropriate actions to ensure their properties remained in good condition and their tenants were safe. He believed "best practices" should not be onerous and should be considered reasonable.

Carl Carpenter was upgrading his older rental properties. He asked why rental properties would be subject to the suggested property maintenance code provisions, when new property construction was not subject to similar provisions.

Mr. Carlson confirmed that newly constructed residences were not required to provide deadbolt locks. Staff identified gaps among codes for new construction and existing structures that met codes in effect when they were constructed.

Chair Brauner acknowledged that maintenance code provisions should not exceed the requirements applicable to new construction; additionally, provisions applicable to existing structures should also be applicable to new construction.

Chair Brauner announced that the Committee's next meeting would include discussion of exterior structural conditions; the meeting following that would address inspection issues, general administration of codes, and future action.

II. Status of Renaming Advisory Boards, Commissions, and Committees Update, including review of Council Policies 91-2.02, "Council Process," and 94-2.08, "Council Liaison Roles"

City Manager *Pro Tem* Brewer reported that Human Services Committee (HSC) met November 4 to discuss the revised charge for the Commission for Martin Luther King, Jr., and the new charge for Community Involvement and Diversity Advisory Board (CIDAB). HSC did not finish reviewing either issue; staff will provide more information. HSC's next meeting will include discussion of the community relations advisory board that was recommended from the OSU/City Collaboration Project Steering Committee to address neighborhood issues near OSU's campus.

Ms. Brewer explained that Administrative Services Committee could accept the recommendations presented thus far and recommend City Council action to update Municipal Code Chapter 1.16 at the Council's November 17 meeting or defer further action until the Committee's December 17 meeting, when HSC would have completed additional work, thereby reducing the number of times the Code was amended.

Ms. Brewer reviewed that the meeting packet included previous Committee discussions regarding the definitions of advisory boards, commissions, and task forces, which would be added to Municipal Code Chapter 1.16; revised names of existing advisory bodies in the Municipal Code to correctly indicate status and provide consistency; and amendments to Council Policy 91-2.02, "Council Process," and 94-2.08, "Council Liaison Roles," to modify reporting provisions and provide consistency in the terminology of reporting functions.

November 2, 2014

Administrative Services Committee
Councilor Hal Brauner
Councilor Biff Traber
Councilor Joel Hirsch

Re: Support for Addressing Livability Code Gaps

Dear Committee Members:

Thanks for your continuing work on reviewing our city codes to improve livability by addressing the significant health and safety gaps which exist in the current codes governing housing conditions in Corvallis. These code gaps and related policies do not give the city the ability to adequately address the unsafe and unhealthy conditions that exist in some rental units in our city.

As the owner and manager of several rental properties for the last 25 years, I continue to be concerned and dismayed by the ongoing opposition to needed livability code improvements. I believe that our community has an ethical obligation to assure that safe and livable conditions exist in all of our rental housing stock. The resolution of the existing gaps in our code identified by Development Director Ken Gibb in both his October 15th and his October 29th memoranda to you need to be addressed as soon as possible. They are very serious community concerns, and have existed for many years. The resolutions of the gaps in code in the areas of security, electrical and plumbing systems, heating, lighting, ventilation, electrical and plumbing systems, heating and interior sanitation ALL are serious, and all should be addressed.

Your staff has identified these gaps as problems they have encountered in trying to address concerns that have come to them from renters, concerns which they currently have little if any ability to address. I urge you to move ahead to work with your staff to implement specific code improvements to address the identified existing serious health and safety gaps in our city code.

Sincerely,

Kent Daniels

Corvallis

MEMORANDUM

November 12, 2014

To: Administrative Services Committee
From: Ken Gibb, Community Development Director 
Re: Continued ASC Consideration of current livability code gaps and an expanded Livability Code Compliance and Neighborhood/Community Outreach Program

I. Issue

As requested at the end of the October 22, 2014 Administrative Services Committee meeting, staff are providing follow-up information regarding current community livability code gaps.

II. Background

At the conclusion of the October 22 ASC meeting the Committee determined that it would spend time at its November 5, November 19, and December 3 meetings discussing grouped elements of the livability code gaps that staff have presented in narrative and graphic form in prior meetings. The November 5 meeting covered the first grouped elements, interior condition gaps. The November 19 meeting is intended to cover exterior condition gaps, and the December 3 meeting will cover general gaps, including administrative provisions. The Committee's chosen approach is to hear explanations of the gaps from staff in a work session-type setting, and then to hear comments from people attending the meeting. The Committee acknowledged on October 22 that given the chosen approach, its next three meetings may be longer than is typical.

III. Discussion

The attached, modified excerpt from the "Current Corvallis Code Authority, Gaps and Potential Resolution" document presented to the Committee on October 22 includes a listing of exterior code gaps and potential resolutions. As requested, modifications have been made to clarify which property types would be included for coverage if code language to address the gaps is developed. As has been shared in past discussions, the approach to implementing additional code authority that was recommended by staff as a result of discussions with the Property Maintenance Code Advisory Group in 2013 was to apply new code standards to both the interiors and the exteriors of residential rental properties, but to apply new standards only to the exteriors of owner-occupied residences and non-residential properties. Staff will plan to supplement its discussion of the items in the attachment with a presentation of representative photographs.

IV. Requested Action

Because no decision is anticipated as an outcome of this meeting, staff requests no specific action.

Review and Concur:



Nancy Brewer, City Manager *Pro Tem*

Attachment: Current Corvallis Code Authority, Gaps and Potential Resolution – Exterior Conditions

Current Corvallis Code Authority, Gaps and Potential Resolution

Prepared for Administrative Services Committee Consideration on November 19, 2014

Exterior Conditions Code Authority, Gaps and Potential Resolution

Existing exterior code standards, code gaps and possible means of resolving those gaps include:

Weather and Water Proofing

Current: The Rental Housing Code (CMC 9.02.090) requires the prevention of water leakage into living areas of rental units.

Gap: There are no requirements for the prevention of air leakage under, through or around windows or doors, and no requirements that would prevent water leakage into non-living areas such as utility basements or attics. There are no requirements for non-renter occupied structures to maintain roofs, walls, windows and doors in a weatherproof condition.

Resolution: Develop and adopt requirements for building openings, roofs and exterior walls to be sound, in good repair, and weather tight in order to prevent wind, rain, and other elements from entering a structure regardless of structure type or occupancy.

Exterior Sanitation

Current: Municipal Code (CMC 4.01.050) prohibits accumulation of solid waste if it will become unsightly or will putrefy; responsibility for compliance falls to the person or persons in charge or possession of a property. Land Development Code (Chapter 3.0 and Article 4) provides for districting and zone development standards regulating the location of vehicle junk yards. Nuisances Affecting Public Health and Safety are identified under CMC 5.04.040 and CMC 5.04.050.

Gap: Complaints have been received from community and neighborhood residents regarding possible unsanitary, or "junked" property conditions that turn out to be inadequate/improper storage of personal possessions. Examples of such possessions include furniture manufactured for indoor use, yard maintenance equipment and supplies, and serviceable vehicle tires.

Resolution: Develop and adopt requirements for all structure and occupancy types that all exterior property and premises be maintained in clean and sanitary condition.

Solid Waste Removal

Current: Municipal Code solid waste provisions (CMC 4.01.050) stipulate that the person in possession, charge or control of a property shall provide containers for the containment of solid waste, and that they must be utilized.

Gap: Municipal Code provisions do not stipulate who is responsible for solid waste removal, just that all persons are required to dispose of solid waste before it becomes offensive. This leads to complaints of over-accumulation of contained and uncontained solid waste.

Resolution: Develop assignments of responsibility between landlords and tenants for the provision, containment, and removal of solid waste from their premises, to be applied to renter-occupied residential properties.

Building and Accessory Structure Maintenance

Current: The Dangerous Building Code (CMC 9.01) contains provisions for the abatement of buildings once they become unsafe.

Gap: There currently are no maintenance requirements for accessory structures on properties of all occupancy types. There are no requirements that decks, stairs and handrails at one- or two family structures be maintained in a safe condition.

Resolution: Develop and adopt requirements that primary and accessory structures on properties of all occupancy types be maintained sound and in good repair, and that exterior surfaces be maintained; develop and adopt requirements that decks, stairs and handrails be maintained in a safe condition in all structure and occupancy types.

Lighting

Current: There are no requirements for the maintenance of exterior lighting in areas such as parking lots or walkways in and around apartment buildings.

Gap: A lack of adequate lighting has been reported as both a security and a personal safety concern.

Resolution: Develop and adopt standards for the maintenance of exterior lighting in the described circumstances for renter-occupied properties.

Graffiti

Current: There are prohibitions against defacing public property (CMC 5.03.090.020) and against damaging or tampering with private property (CMC 5.03.090.030).

Gap: There are currently no code provisions for the abatement of graffiti where it occurs on either public or private property.

Resolution: Develop and adopt requirements for the prompt abatement of graffiti-defaced property as an obligation of the affected property owner for all structure and occupancy types; consider the development of a collaborative abatement program with involvement of stakeholders, paint companies, and community volunteers.

City of Corvallis
Administrative Services Committee

*Continued Discussion of Livability
Code Provisions: Exterior Elements*

November 19, 2014

The Maintenance Gap



*New Construction/
Permitted Alterations*



Limited maintenance provisions are available through the Municipal Code, Land Development Code and Rental Housing Code.

Declaration of a Dangerous Building

Weather and Water Proofing

Current: The Rental Housing Code requires the prevention of water leakage into living areas of rental units.

Gap: There are no requirements for the prevention of air leakage under, through or around windows or doors, and no requirements that would prevent water leakage into non-living areas such as utility basements or attics. There are no requirements for non-renter occupied structures to maintain roofs, walls, windows and doors in a weatherproof condition.

Resolution: Develop and adopt requirements for building openings, roofs and exterior walls to be sound, in good repair, and weather tight in order to prevent wind, rain, and other elements from entering a structure regardless of structure type or occupancy.

**Exterior Code Gap Example:
Weather and Water Proofing**



**Exterior Code Gap Example:
Weather and Water Proofing**



**Exterior Code Gap Example:
Weather and Water Proofing**



Sanitation

Current: Municipal Code prohibits accumulation of solid waste if it will become unsightly or will putrefy; responsibility for compliance falls to the person or persons in charge or possession of a property. Land Development Code provides for districting and zone development standards regulating the location of vehicle junk yards. Nuisances affecting public health and safety are identified in Municipal Code.

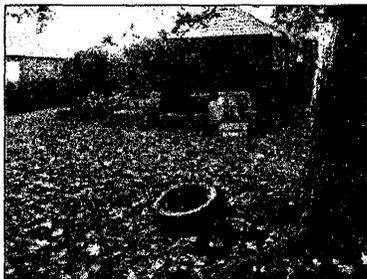
Gap: Complaints have been received from community and neighborhood residents regarding possible unsanitary, or "junked" property conditions that turn out to be inadequate/improper storage of personal possessions. Examples of such possessions include furniture manufactured for indoor use, yard maintenance equipment and supplies, and serviceable vehicle tires.

Resolution: Develop and adopt requirements for all structure and occupancy types that all exterior property and premises be maintained in clean and sanitary condition.

Exterior Code Gap Example: *Sanitation*



Exterior Code Gap Example: *Sanitation*



Exterior Code Gap Example: *Sanitation*



Exterior Code Gap Example: *Sanitation*



Solid Waste Removal

Current: Municipal Code solid waste provisions stipulate that the person in possession, charge or control of a property shall provide containers for the containment of solid waste, and that they must be utilized.

Gap: Municipal Code provisions do not stipulate who is responsible for solid waste removal, just that all persons are required to dispose of solid waste before it becomes offensive. This leads to complaints of over-accumulation of contained and uncontained solid waste.

Resolution: Develop assignments of responsibility between landlords and tenants for the provision, containment, and removal of solid waste from their premises, to be applied to renter-occupied residential properties.

**Exterior Code Gap Example:
*Solid Waste Removal***



**Exterior Code Gap Example:
*Solid Waste Removal***



**Exterior Code Gap Example:
*Solid Waste Removal***



**Building and Accessory Structure
Maintenance**

Current: The Dangerous Building Code contains provisions for the abatement of buildings once they become unsafe.

Gap: There currently are no maintenance requirements for accessory structures on properties of all occupancy types. There are no requirements that decks, stairs and handrails at one- or two family structures be maintained in a safe condition.

Resolution: Develop and adopt requirements that primary and accessory structures on properties of all occupancy types be maintained sound and in good repair, and that exterior surfaces be maintained; develop and adopt requirements that decks, stairs and handrails be maintained in a safe condition in all structure and occupancy types.

**Exterior Code Gap Example:
*Building & Accessory Structure Maintenance***



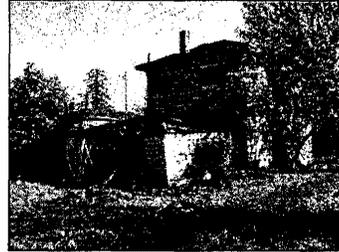
**Exterior Code Gap Example:
*Building & Accessory Structure Maintenance***



Exterior Code Gap Example:
Building & Accessory Structure Maintenance



Exterior Code Gap Example:
Building & Accessory Structure Maintenance



Exterior Code Gap Example:
Building & Accessory Structure Maintenance



Exterior Code Gap Example:
Building & Accessory Structure Maintenance



Exterior Code Gap Example:
Building & Accessory Structure Maintenance



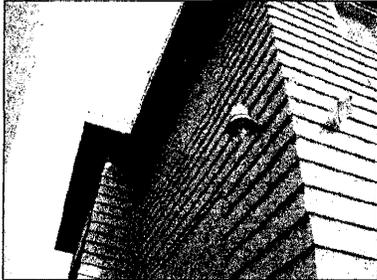
Exterior Lighting

Current: There are no requirements for the maintenance of exterior lighting in areas such as parking lots or walkways in and around apartment buildings.

Gap: A lack of adequate lighting has been reported as both a security and a personal safety concern.

Resolution: Develop and adopt standards for the maintenance of exterior lighting in the described circumstances for renter-occupied properties.

Exterior Code Gap Example:
Lighting



Exterior Code Gap Example:
Lighting



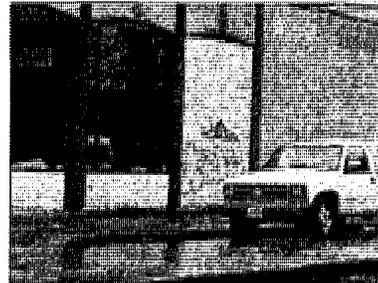
Graffiti

Current: There are prohibitions against defacing public property and against damaging or tampering with private property.

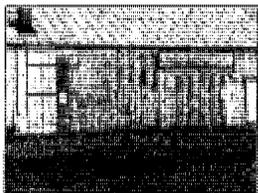
Gap: There are currently no code provisions for the abatement of graffiti where it occurs on either public or private property.

Resolution: Develop and adopt requirements for the prompt abatement of graffiti-defaced property as an obligation of the affected property owner for all structure and occupancy types; consider the development of a collaborative abatement program with involvement of stakeholders, paint companies, and community volunteers.

Exterior Code Gap Example:
Graffiti



Exterior Code Gap Example:
Graffiti



Exterior Code Gap Example:
Graffiti



**Exterior Code Gap Example:
*Graffiti***



**City of Corvallis
Administrative Services Committee**

*Continued Discussion of Livability
Code Provisions: Exterior Elements*

November 19, 2014

**ADMINISTRATIVE SERVICES COMMITTEE
MINUTES
November 19, 2014**

Present

Councilor Hal Brauner, Chair
Councilor Joel Hirsch
Councilor Biff Traber

Visitors

Samantha Alley
Carl Carpenter
Michael Dalton
Trish Daniels
Charlyn Ellis
Herb Heublein
Christine Stillger
Shauna Wilson
John Wydronek
Bill York

Staff

Nancy Brewer, City Manager *Pro Tem*
Karen Emery, Parks and Recreation
Director
Ken Gibb, Community Development
Director
Mary Steckel, Public Works Director
Dan Carlson, Development Services
Division Manager
Kris DeJong, Public Works Administration
Division Manager
Kent Weiss, Housing and Neighborhood
Services Division Manager
Chris Westfall, Code Compliance
Supervisor
Bob Loewen, Housing Program Specialist
Emely Day, City Manager's Office

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. da Vinci Days Financial Status Update	Yes		
II. Utility Rate Annual Review			Approve no changes in the water, wastewater, and stormwater utility rates
III. Livability Code/Neighborhood Outreach Program Review (exterior structure conditions)	Yes		
IV. Other Business A. Future Meeting Agendas B. Next Meeting	Yes		

CONTENT OF DISCUSSION

Chair Brauner called the meeting to order at 3:30 pm.

I. da Vinci Days Financial Status Update

Parks and Recreation Director Emery reported that da Vinci Days completed payments on its bridge loan from the City.

Ms. DeJong explained that the asset management data considered risks associated with existing infrastructure, including age, location, and serviced customers or City utility facilities. Those and other factors would help determine the best infrastructure investments.

Public Works Director Steckel added that the City would soon update its Water and Wastewater Master Plans, and the Stormwater Master Plan would be updated a few years later. The rate structure and asset management projects would be factored into the updates. Master plans were typically prepared for 15- to 20-year periods. Staff observed impacts on the stormwater system from short-duration, intense rain events and began reviewing each stormwater basin within the City to identify ways to improve the stormwater system from an engineering perspective to better respond to such rain events.

In response to Councilor Hirsch's inquiry regarding the TMDL project, Ms. Steckel reported that the Department of Environmental Quality (DEQ) was working on a list of acceptable alternatives to respond to discharged water temperatures that would comply with Environmental Protection Agency guidelines and the rulings from various legal cases initiated by environmental groups. Staff was awaiting DEQ's decision before pursuing additional planning work. The City's National Pollutant Discharge Elimination System (NPDES) permit would expire in January 2016. The permit included some allocations regarding discharged water temperature. Staff did not know if those allocations would be continued when the permit expired or if the City would be forced to take immediate mediating action. Staff and DEQ representatives would meet during December regarding the status of the TMDL regulations. Staff would like to begin planning one year before remedial efforts must be implemented. The City's least-cost alternative two years ago was estimated at \$30 million. Some type of borrowing would be needed to pay for the selected TMDL project.

Chair Brauner observed that the ordinance that established the existing utility rates did not have a clause repealing or ending its effectiveness, so no new ordinance was needed to retain the current utility rates.

Based upon a motion moved and seconded by Councilors Traber and Hirsch, respectively, the Committee unanimously recommends that Council approve no changes in the water, wastewater, and stormwater utility rates.

III. Livability Code/Neighborhood Outreach Program Review (exterior structure conditions)

Staff distributed written testimony from B. A. Beierle (Attachment B).

Community Development Director Gibb and Housing and Neighborhood Services Division Manager Weiss began a PowerPoint presentation regarding exterior issues related to livability (Attachment C).

Weather and Water Proofing

This element would apply to owner- and tenant-occupied structures.

Code Compliance Supervisor Westfall described a photograph of an occupied basement with a non-operating, ground-level window into a bedroom and a non-closable vent opening into a laundry area. During dry weather, the window and vent openings would not be subject to the weatherproofing standards of the Rental Housing Code (RHC). During wet weather, the RHC weatherproofing standards would be applicable for the bedroom space but not the laundry area.

Mr. Westfall described a photograph of a vacant owner-occupied property with at least three layers of tarp on the roof. As long as water did not penetrate the ceiling into the living area, there would not be a code violation until the building was deemed dangerous.

Housing Program Specialist Loewen described a photograph of an exterior door with a gap at the bottom and a photograph of a broken window. The gap under the door or the hole in the window would only be subject to the RHC if water entered through either into the living area; the RHC would not apply to outside air passing through to the living area.

Mr. Westfall explained that a non-closable window into a living area, such as a bedroom, would be subject to the RHC weatherproofing provisions when water entered through the window to the living area. The Building Code defined types of occupancy classification as habitable or utility space.

Councilor Traber expressed concern about the City requiring that utility spaces have the same air and water protection as habitable spaces. Mr. Gibb responded that air and water penetration could affect the long-term viability of a structure. Situations would be investigated on a complaint basis. Mr. Weiss added that City regulations did not address water leaking into attic spaces until so much water leaked that ceiling material deteriorated and water entered the living space. Councilor Traber noted the general theory of wanting air flow into attic spaces. Mr. Weiss said such situations could be addressed through code language exceptions.

Mr. Loewen expressed concern about reports of utility basements where laundry equipment was connected to power sources that might be accessed by a building occupant, despite water on the floor; that situation could create a safety hazard.

Councilor Hirsch said he would like new code provisions to include broken glass as a safety concern. Mr. Gibb said broken glass could be specifically cited in a property management code because it would allow air and water penetration.

Councilor Traber reiterated his concern about the possible extent of City regulations regarding weatherproofing in non-habitable spaces.

Shauna Wilson referenced a house demolished along SW Tenth Street. A tarp was over the house roof for many years, the house was inhabited, and outside water penetrated the house. She said a property maintenance code that applied only to a residential structure and not to the overall property could result in non-inhabited buildings (e.g., utility buildings) deteriorating because of weather elements. She said a roof was an important aspect of a building; once a roof deteriorated, so would the structure, over time.

Mr. Westfall clarified that the RHC addressed water penetrating to the living space of a structure but not to an attic or utility area.

Trish Daniels submitted written testimony from Kent Daniels (Attachment D).

In response to Ms. Daniels' inquiry, Councilor Traber said his reference to attic spaces only involved air flow. He noted that there were situations of basements having water leakage because of the nature of the structure, and he believed legislating water leakage in basements was extreme for an owner-occupied residence.

Ms. Daniels noted that many Corvallis residential developments were on properties considered wetlands. She encouraged the Committee to consider the issue of water leakage into basements. She was concerned about water in basements with electrical appliances (clothes washers and dryers, heaters, etc.), children accessing the space, and resulting safety issues.

Councilor Traber explained that the suggested property maintenance code would address water intrusion not necessarily related to safety issues.

Ms. Daniels noted that many people stored personal items in basements; therefore, it was important that those spaces, particularly in rental residences, be sealed from water penetration.

John Wydronek agreed with staff's suggestions regarding rental residences. He understood from the Committee's previous meeting that the City received complaints, which prompted staff suggesting ways of addressing gaps among the City's various codes. He questioned how the City might receive complaints about air and water infiltration in an owner-occupied residence. He opined that the City should not require weather stripping around doors in owner-occupied residences. He said it seemed that the Committee was considering asking staff to implement codes based upon complaints of situations that affected neighborhood livability. He questioned how implementing weather- and water-proofing measures would address a complaint about an owner-occupied property.

Chair Brauner noted that staff was presenting degrees of issues. The gaps in codes applicable to owner-occupied properties could result in situations of water leaking into buildings to the extent that the buildings deteriorated and became unsightly in neighborhoods. The City would have no recourse to address the issue until the building

was deemed dangerous. The Committee would determine whether the code gap should be addressed.

Mr. Wydronek did not disagree with addressing situations of derelict housing. However, he was concerned about code provisions exceeding the City's responsibilities and being subjective in nature.

Mr. Westfall confirmed for Councilor Traber that the photographed house with a tarp on the roof was the subject of a complaint while the owner occupied the house, although the structure was later vacant for some time.

Samantha Alley inquired whether the instance of the non-closable window and the open laundry vent would be addressed by the RHC requirement for locking windows.

Mr. Westfall responded that the RHC (Corvallis Municipal Code Chapter 9.02) provided in "Section 9.02.090 – Standards, 6) Security, a) Working locks for all dwelling entrance doors and latches for all windows by which access may be had to that portion of the premises which the tenant is entitled to occupy to the exclusion of others." It was questionable whether the RHC provision would be applicable to a commonly used utility space. There were portions of the subject structure that were not accessible by tenants. A laundry space would be considered a utility space but not a habitable space. The photograph was provided as an example of weatherproofing, but the RHC only required working locks and latches, not openable windows.

Ms. Alley noted that the RHC required that rooms be able to be heated to 68°F and should address the issues of exterior door gaps and broken/non-closable windows without needing more regulation.

Mr. Loewen responded to Chair Brauner that a property with a broken window or other sources of air intrusion could be heated to 68°F if the furnace operated constantly, which could result in a very high heating bill.

Sanitation

Mr. Weiss noted that, to address the issue of exterior structure/property sanitation, staff would propose definitions of furniture manufactured for indoor use being placed and left outdoors

Mr. Westfall described a photograph of a property with an accumulation of personal items that many people might consider solid waste, garbage, or junk. In responding to complaints, staff must determine whether the items constituted discarded material, which was the essence of the existing provisions of the Municipal Code. The City did not have a code provision regarding an expectation for maintenance or storage of personal possessions. The owner of the items in the photograph claimed that they were personal possessions, so staff could not declare the situation to be a code violation.

Referencing a photograph of couches and an armchair on a lawn, Mr. Westfall explained that such furniture near a street where solid waste would be placed for collection might be considered discarded. The furniture in the photograph, placed close to the residence, was claimed by the residents to be personal possessions and could not be addressed under existing codes.

Councilor Traber noted that a key element involved the distinction of whether personal items were deemed to be discarded.

Chair Brauner considered sanitation issues to involve health and safety, while solid waste issues involved discarded material. He questioned whether the Benton County Health Department (BCHD) sanitarian could help resolve the code gaps from a sanitation perspective.

Mr. Westfall responded that the BCHD was identified in the Municipal Code as the City's health officer. Community Development Department staff worked with BCHD concerning a situation so unsanitary that it might be deemed a dangerous building. The standards for sanitation were admittedly subjective, and there were no regulations defining sanitation. Health officers received specific training to identify unsanitary conditions. Elements of the situations depicted in the photographs could be addressed through the City's regulations regarding solid waste, rat harborage, and accumulation of potentially hazardous material. Rodent harborage could contribute to an unsanitary condition. Staff must determine whether a situation such as those depicted in the photographs constituted solid waste or rat harborage, which was any condition that provided shelter and protection for rodents. Conceivably, anything on a property could provide shelter and protection for rodents. Staff sought Committee direction whether to evaluate such situations and broaden considerations to conclude that a condition was prohibited or constituted rat harborage. The City did not have a provision for addressing such situations involving non-discarded possessions as solid waste. Without a complaint about rodents in an accumulation of material, staff did not have a means of addressing a situation under the Code provisions about rat harborage. Those provisions were very broad, and staff must apply them consistently. Staff did not want to be in a position of regulating wood piles and yard equipment storage without discussing the implications with the Committee.

Councilor Hirsch observed the need for "balance" between regulations to encourage positive property maintenance and enforcement of those regulations. He liked regulations that would allow staff to address solid waste situations.

Chair Brauner noted that the property owner and the neighbors may have different opinions of what conditions were acceptable. There must be a threshold for determining a situation was unsanitary. The Committee would need to determine the impacts of regulating outside storage, such as fire wood. While situations may be considered serious, there could be significant consequences from trying to impose regulations

In response to Councilor Traber, Mr. Gibb said some issues could be quantified, while others were a matter of staff's professional judgment.

Mr. Westfall described a photograph of an owner-occupied property with an accumulation of personal items. Situations, while possibly not unsanitary, could constitute blighting conditions for a neighborhood. Code compliance staff could work with Fire Department staff to address situations that created potential fire hazards while not over-reaching the City's authorities. The City did not have regulations to allow staff to address blighting situations. Accumulations of personal possessions could negatively affect neighborhoods.

Solid Waste Removal

This issue would pertain to renter-occupied properties.

The Property Maintenance Code Advisory Group (PMCAG) discussed livability conditions and developing language that would assign to landlords and tenants the responsibilities of removing solid waste from tenant-occupied properties. Some landlords might use rental agreements to require tenants to handle solid waste removal. Even though required through a rental agreement, a tenant might not always take care of solid waste removal.

Mr. Westfall described a photograph of a five-unit, tenant-occupied property where the landlord arranged for solid waste removal. A garbage can was provided. Tenants challenged the landlord about solid waste removal or the landlord providing additional garbage containers. The landlord did not maintain an account for the property with the approved franchise solid waste hauler; rather, the landlord's staff collected and hauled the waste, but not on a regular schedule.

Mr. Westfall described a photograph of a tenant-occupied property with an overflowing dumpster, with additional solid waste accumulated on the ground around the dumpster. The landlord scheduled when the dumpster would be removed, but the schedule was inadequate to meet the tenants' needs.

Mr. Westfall described a photograph of garbage cans overwhelmed by additional solid waste to the point the cans were not observable.

Mr. Westfall explained that Municipal Code Chapter 4.01, "Solid Waste Regulations," specified that everyone must contain solid waste. Staff could require people to remove solid waste. A dispute or disagreement between a landlord and a tenant over this issue could result in an accumulation of solid waste. If the tenant vacated the property or did not have the means to remove the solid waste, the landlord may claim that the accumulation was the tenant's problem to resolve. Staff sought direction for identifying who was ultimately responsible for removing solid waste from rental properties. The City was not a party to arrangements between landlords and tenants.

Mr. Westfall clarified for Councilor Traber that the Municipal Code specified that all persons were responsible for removing solid waste, whether they were property owners or tenants, but it did not specify a chain of assignment for responsibility. The PMCAG recommended assigning ultimate responsibility to property owners. That responsibility could be passed to tenants via rental agreements. If the solid waste was not removed under that type of arrangement, the City could require the property owner to remove the material.

Herb Heublein said he previously submitted to the City Council photographs of solid waste accumulations in his neighborhood. Some of the neighborhood residents considered the accumulations hazardous and unsightly. The situations improved with adoption of the RHC, but there seemed to be Code gaps. He opined that a property owner should be given a timeline for beginning to clean their property. If the property was managed by a party other than the property owner, the property manager should be given notice to begin cleaning the property, with the property owner ultimately responsible for cleaning the property. He suggested that rental properties be posted with the name and contact information for any applicable property manager.

Charlyn Ellis opined that solid waste was a major problem in inner-city neighborhoods. She noted that many properties along NW Harrison Boulevard had couches, recliners, and mattresses on their front lawns. The furniture attracted rodents and was unsanitary. One piece of furniture seemed to attract someone discarding another piece of furniture. She urged that the City do something to resolve the issue of indoor furniture on lawns. She would appreciate the City working with Republic Services to promptly pick up piles of debris left along streets, regardless of whether property owners or tenants were responsible for removal of the debris, and then deal with who would pay for the removal. She considered solid waste at curbs a major issue in her neighborhood and the subject of many complaints.

Councilor Hirsch said he would talk with Republic Services about picking up solid waste at curbs and dealing with an associated billing issue later during the franchise review process.

Chair Brauner said overflowing garbage containers were clearly solid waste. If the City picked up material the owner claimed was personal property, there could be legal problems. He suggested that the City could adopt legislation specifying the type of personal property that was not allowed outside.

Christine Stillger encouraged the Committee to close the code gaps concerning solid waste. She said indoor furniture that was torn, wet or missing elements could clearly be considered trash. She concurred with Ms. Ellis' testimony.

Councilor Traber inquired whether the City had any experience with requiring the local solid waste franchisee to pick up solid waste and then charge for the service.

Mr. Gibb explained that the City Council discussed indoor furniture outdoors, reviewed the actions of other college communities, and decided not to pursue the issue. The Council

discussed options for resolving the problem. There could be problems with removing furniture from private property.

City Manager *Pro Tem* Brewer commented that Republic Services would need to know about solid waste left at curbs. The franchisee's drivers were not prepared to pick up furniture during their normal collections. She doubted that Republic Services would pick up solid waste and hope for later payment, without the City having some type of supporting legislation. Arranging for collection and willingness to pay for collection were issues.

Mr. Westfall added that there could be a difference in protocol for large items and uncontained solid waste on private property placed in the public right-of-way. Some material must be loaded into a special collection truck, which would likely generate a special fee from the franchisee and require pre-arrangement for collection.

Ms. Wilson referenced a property on SW Tenth Street, where numerous bags of trash and much clutter were placed in the back yard. Complaints were made to the City over a three-year period, and there seemed to be a question of how high the stack of trash or clutter must be before the City would take action. The house was replaced by an apartment building. A neighbor contacted the apartment building owner about managing garbage generated on the site; the owner responded to the inquiry and invited further communication from neighbors as necessary to address the issue. She said the neighborhood was much better with the apartment building, versus the previous house. However, the apartment building owner was relying upon neighbors to indicate the presence of garbage problems; and there was a question of which of the multiple tenants in each of the four apartments was responsible for placing garbage carts at the curb for collection. Parking conditions in the neighborhood limited the space available for garbage carts.

Carl Carpenter expressed concern about public safety when tenants did not have a means of gaining resolution of solid waste and sanitation problems in neighborhoods. He believed the solid waste regulations should be applicable to owner- and tenant-occupied residences. He was also concerned how adult children might be able to resolve issues of solid waste or sanitation involving their elderly parents. He expressed concern about the breadth of the suggested definition of types of furniture allowed outside. He believed indoor furniture on covered porches, protected from weather, might be acceptable. He noted that any item could contribute to rat harborage, so that condition should not be applied only to furniture. He suggested that the City investigate a program of collecting large items of solid waste, such as mattresses; specifically, people could transport such items to a specific location on a scheduled day for collection.

Mr. Gibb clarified that staff did not suggest closing the code gap concerning indoor furniture on porches; staff was more concerned about such furniture being exposed to weather, leading to deterioration, sanitation concerns, and blighting.

Councilor Traber noted the Municipal Code provision that all residents were responsible for garbage collection. However, there was still an issue of personal property that could contribute to sanitation issues. A pile of items or a piece of furniture in a yard may or may not be considered trash or personal property by the owner.

Mr. Westfall clarified that property owners were responsible for removal of solid waste.

Chair Brauner noted that a prohibition of indoor furniture exposed to weather would be applicable to all properties, whether occupied by the property owner or a tenant.

Ms. Alley concurred with Mr. Carpenter regarding indoor furniture exposed to weather. If the property owner was deemed ultimately responsible for removal of solid waste, a property owner trying to remove a tenant's personal property could be restricted by the landlord/tenant law prohibiting the landlord from removing a tenant's personal property from the premises without storing it, particularly if the tenant was residing on the premises. Once a tenant left the premises, the landlord would be legally allowed to remove the tenant's personal property.

Building and Accessory Structure Maintenance

Mr. Weiss said many properties in Corvallis had accessory structures for which City staff could not address maintenance issues until the structure became subject to the Dangerous Building Code. The suggested resolution would be applicable to all occupancy types.

Mr. Westfall described a photograph of a deteriorating exterior, concrete-over-steel-frame staircase at a multi-family dwelling. The staircase was separating from its structural framework and was reported to Mr. Westfall by Fire Department staff who attempted to remove a tenant from an upstairs unit. The issue could be addressed through the Dangerous Building Code, but staff did not have a means of responding to complaints of stairs that were beginning to deteriorate.

Mr. Westfall described a photograph of an exterior wood staircase that was considered unsafe. Staff could not respond to the issue until the structure was deemed a dangerous building. The staircase – the only means of ingress and egress to an upstairs residence – was not safe for residents, citizens, emergency responders, or utility service providers.

Mr. Westfall described a photograph of an attic window that was enlarged by removing some building siding and the installation of a combination of materials to replace a deteriorated porch railing.

Mr. Westfall described a photograph of an older, vacant building that was self-demolishing due to neglect – portions of the structure collapsed and were removed. Until the building was declared dangerous, staff could not intervene about the lack of building maintenance.

Mr. Westfall described a photograph of an older, vacant building for which he routinely received complaints. The subject building and the adjacent building were in poor condition. Several years ago, an eave of the building failed, and the building was on the verge of being declared dangerous. The building owner removed the failed eave and covered it with metal trim. Until the building further deteriorated to the extent it would be declared dangerous, City staff did not have a means of addressing the issue. He noted that the dangerous building designation could pertain to a portion of a building, an aspect or element of a building, or an entire building; therefore, a portion of a building could be condemned, as well as the entire building. Air and water infiltration of the subject structure was irrelevant as a source of a complaint, since the building was vacant.

Mr. Westfall described a photograph of a brick accessory structure that was crumbling because of lack of maintenance.

Mr. Westfall described a photograph of a garage structure that was declared a dangerous building and subsequently collapsed from structural failure. The structure was on a designated historic resource site, but the owner allowed it to deteriorate and self-demolish. He also described an exterior wood staircase to an upstairs apartment; the stairs had to be re-built because a tree grew around the staircase, creating a hazard for the upstairs tenants, who had health issues.

In response to Councilor Traber's inquiry, Mr. Westfall said staff anticipated the Committee's future discussion of possible standards for building maintenance before buildings deteriorated to the extent that they were declared dangerous. Mr. Gibb added that deteriorating structures could impact adjacent properties.

Councilor Traber noted the inherent responsibility to neighboring properties in terms of value and community housing stock. He expected that criteria regarding safety issues might need to be clearer than "maintain property in sound condition and good repair," but he was uncertain how regulation might be developed to be applicable before a property began deteriorating.

Mr. Westfall said general provisions such as Councilor Traber suggested would be discussed during the Committee's December 3 meeting. He noted that failing structural elements would lead to other building elements failing.

Mr. Carpenter opined that staff's suggested initiatives would help prevent property demolition by neglect. He suggested that the City could provide an incentive for investors to purchase deteriorating property by waiving the demolition permit fee.

Exterior Lighting

Mr. Westfall described a photograph of a multi-family apartment building with a damaged exterior light fixture that was several feet above ground, beyond anyone's easy reach to

repair. The damaged light fixture was above a walkway between two tall, adjacent buildings, resulting in a dark passage area.

Mr. Westfall described a photograph of an exterior light at a single-family house. The energized electrical conductor wiring wrapped around the light fixture was not properly terminated from an older system. The light fixture did not work, and the landlord did not resolve the issue.

Councilor Traber inquired whether the City had code provisions regarding exterior lighting at existing, multi-unit, owner-occupied residential developments, such as condominiums, with common areas. Mr. Westfall responded that such properties may have a homeowner association or agreement regarding exterior, common-area lighting.

Mr. Wydronek inquired whether the suggested resolution was intended to ensure that existing exterior lighting functioned or to evaluate whether additional exterior lighting was needed. Chair Brauner expressed his understanding that the issue involved maintaining existing exterior lighting in a functioning manner. Councilor Hirsch noted the public safety issue of non-functioning exterior lighting that could conceal uneven surfaces, stairs, etc.

Mr. Wydronek said he could support a provision that required maintenance of existing lighting, but he would not support a provision that would allow City staff to require installation of more exterior lighting.

Mr. Westfall said he received complaints about lack of exterior lighting and a desire for a means to request exterior lighting. He would suggest standards to maintain functionality of existing exterior lighting.

Graffiti

Mr. Weiss explained that a suggested provision would require action to remove graffiti quickly after it was discovered.

Mr. Westfall described photographs of graffiti and explained the different types of graffiti.

Councilor Traber noted staff's suggestion that property owners would be required to promptly remove graffiti. He questioned situations when property owners might like the graffiti.

Mr. Westfall explained that State statutes defined graffiti and unauthorized graffiti. Staff proposed requiring that unauthorized graffiti be covered, removed, or abated. Someone could choose to maintain graffiti or provide space for graffiti. If the graffiti was authorized by the property owner, it would not be illegal; if it was not authorized by the property owner, it would be considered illegal, and the City's regulation would require that it be abated as quickly as possible. He noted that graffiti often attracted more instances of graffiti.

Mr. Gibb summarized that staff's interest was prompted by the OSU/City Collaboration Project process for the ability to regulate graffiti and having a program aligned with the Housing and Neighborhood Services Division's goals of proactively helping neighborhoods but having ways of enforcing regulations, should property owners be unwilling to comply with the standards.

Chair Brauner liked the idea of community service to assist with graffiti abatement. He cautioned against creating opportunity for a debate over whether graffiti constituted an art form.

Ms. Wilson said much of the graffiti "tagging" in her neighborhood involved utility boxes and public property. Staff advised that utility companies or City offices should be contacted about such graffiti instances. Chair Brauner noted that the utility companies and the City would also be subject to a requirement to promptly abate graffiti.

Ms. Ellis explained the evolution of one of the graffiti examples depicted in the photographs. She said when graffiti was not promptly abated, it seemed to prompt more problems, such as solid waste accumulation. She was disappointed years ago to learn that the City did not have regulations concerning graffiti and believed some type of regulation was needed.

Mr. Carpenter expressed concern that the suggested requirement would victimize the graffiti victim, who must invest time and funds abating the graffiti. He liked the idea of a community collaborative effort.

This issue was presented for information only.

IV. Other Business

A. Future Meeting Agendas

Ms. Brewer noted that the Committee's December 3 meeting agenda was lengthy, and she suggested postponing some issues to January 2015. Agenda items included:

- Comprehensive Annual Financial Report – time sensitive.
- Open carry of loaded firearms alternatives.
- First-quarter reports from Visit Corvallis and Downtown Corvallis regarding the Economic Improvement District – could be postponed until January 2015.
- Livability.

Ms. Brewer said Community Development Department staff hoped to receive Committee direction at the end of the Committee's December 3 meeting.

Ms. Brewer reported that the City's first-quarter financial operating report was postponed until January 2015, as it was not time sensitive. The Committee's December 17 meeting agenda was clear. She noted that any issues discussed by

the Committee December 17 would be reported to the new City Council January 5; two of the three Committee members would return as Councilors in the new term.

Councilor Hirsch announced that he would be absent from the Committee's December 3 meeting.

Chair Brauner noted that the Committee would not be able, during its December 3 meeting, to develop a proposal for the current Council to consider. The financial audit, gun, and livability issues should be addressed at the Committee's December 3 meeting, and the three quarterly reports could be postponed. The December 3 meeting could include staff's presentation of livability administrative issues, with Committee deliberations being conducted December 17, when all three Committee members would be present. At that time, the Committee could give staff instructions regarding the issues to be addressed through legislation.

Mr. Gibb said staff would present suggestions for addressing the development of code language.

Ms. Brewer said the Climate Action Plan Task Force expressed interest in presenting a proposal to the current City Council. Committee members agreed that their remaining meeting agendas were full, and the issue should be presented to Urban Services Committee.

- B. The next regular Administrative Services Committee meeting is scheduled for December 5, 2014, at 3:30 pm, in the Madison Avenue Meeting Room.

Chair Brauner adjourned the meeting at 6:01 pm.

Respectfully submitted,

Hal Brauner, Chair

City Council of Corvallis, Administrative Services Committee: November 19, 2014
Livability Code Compliance and Neighborhood/Community Outreach

Your favorable consideration of the proposed Livability Code Compliance package will safeguard life and safety concerns for those who live in Corvallis' older homes. While it is difficult to understand why a property owner would allow a property asset to deteriorate to neglected condition, they do. As a result, this neglect negatively effects the health and well-being of those who live in the property, nearby, and throughout the community. **This maintenance failure is one of the most serious problems affecting the fabric of our older neighborhoods.**

Corvallis highly values sustainability. Allowing structures to moulder and melt through neglect promotes needless waste, and in turn, also aggravates Corvallis' already stressed housing needs.

Weather & Water Proofing. **Weather infiltration is the single greatest threat to a structure, new or old.** Keeping the building envelope in good repair prolongs its useful life and also reduces opportunities for animal infestation – another community challenge.

Exterior Sanitation. **Unsanitary property conditions promote more unsanitary conditions nearby,** creating a downward spiral of neighborhood health. In the long term, this practice leads to reduced property values, that negatively effects city real estate tax revenue.

Solid Waste Removal. Property owners failure to provide garbage service is irresponsible. Solid waste removal is in the property owners' building's best interest, and **failure to provide trash removal attracts vermin** and threatens healthy living conditions on site and nearby.

Building & Accessory Structure Maintenance. The recent Neighborhood Photo Survey identified numerous accessory structures that function as residences. **These living spaces – and their building envelope – merit the same life safety considerations** as the primary structure on site. Maintaining decks, stairs, and handrails in good condition promotes safe transitions between building interiors and exteriors.

Lighting. **Keeping the porch light on** promotes safety and reduces criminal conduct.

Graffiti. Like all other neglect, **graffiti tags remaining on a structure promote more graffiti.** Communities elsewhere abate graffiti through court-mandated community service. Student organizations also abate graffiti damage as a community service. Both these strategies abate the problem without a financial investment in labor.

Businesses looking to relocate in a community evaluate housing conditions for two reasons:

- Are there adequate – and safe – places for employees to live, and
- Does the community take pride in itself?

Communities that are well-maintained are also communities that take good care of their citizens, and are attractive to potential employers.

Respectfully submitted,

BA Beierle

November 18, 2014

Administrative Services Committee
Councilor Hal Brauner
Councilor Biff Traber
Councilor Joel Hirsch

Re: Support for Addressing Livability Code Gaps Regarding Exterior Housing Conditions

Dear Committee Members:

Thanks for your continuing work on reviewing our city codes to improve livability by addressing the significant health, safety and livability gaps which exist in the current codes governing housing conditions in Corvallis. These code gaps and related policies do not give the city the ability to adequately address neither the unsafe and unhealthy conditions that exist in some rental units in our city nor unacceptable conditions that can exist in some non rental housing as well. As the owner of my personal residence, as the manager of several rental properties for the last 25 years, and as an active neighborhood advocate my comments are as follows:

The gaps identified by staff with regard to weather and water proofing, exterior sanitation, solid waste removal, building and accessory structure maintenance, lighting and graffiti should all be addressed with code provisions for all rental property.

With regard to non-rental properties, I strongly support the development of code provisions that allow staff to address buildings of any kind that have been abandoned or boarded up or which are clearly going to deteriorate in the future to the point of being a dangerous building. Allowing such structures to exist (staff have shown you many examples of such buildings in Corvallis) significantly lessens the property values of other homes or buildings in the area and is an unacceptable condition in any neighborhood in our community. This includes roofs that have deteriorated to the point where they are clearly no long functioning to keep water out of the interior or which have had tarps added to them.

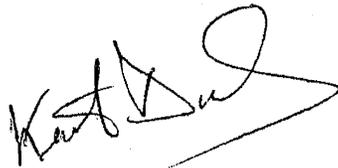
I am also supportive of addressing code gaps for non-rental properties with regard to exterior sanitation, solid waste removal and graffiti removal. However, I am not particularly interested in the City becoming involved in code enforcement for non-rental properties regarding windows, doors, exterior walls, basements, decks/railings/stairs or exterior lighting, UNLESS those conditions are part of addressing structures or houses in the conditions identified in the paragraph above.

The resolution of the existing gaps in our code identified by Development Director Ken Gibb in his recent memoranda to you need to be addressed as soon as possible. They are very serious community concerns, and have existed for many years.

Your staff has identified these gaps as problems they have encountered in trying to address concerns that have come to them from renters, homeowners and neighborhood residents - gaps which they currently have little if any ability to address. I urge you to move ahead to work with your staff to implement specific code improvements to address the identified existing serious health, safety and livability gaps in our city code.

Sincerely,

Kent Daniels

A handwritten signature in black ink, appearing to read "Kent Daniels", written over a horizontal line.

MEMORANDUM

November 25, 2014

To: Administrative Services Committee
From: Ken Gibb, Community Development Director 
Re: Continued ASC Consideration of current livability code gaps and an expanded Livability Code Compliance and Neighborhood/Community Outreach Program

I. Issue

As requested at the end of the October 22, 2014 Administrative Services Committee meeting, staff are providing follow-up information regarding current community livability code gaps.

II. Background

At the conclusion of the October 22 ASC meeting the Committee determined that it would spend time at its November 5, November 19, and December 3 meetings discussing grouped elements of the livability code gaps that staff have presented in narrative and graphic form in prior meetings. The November 5 meeting covered the first grouped elements, interior condition gaps, and the November 19 meeting covered exterior condition gaps. The December 3 meeting will cover general gaps, including administrative provisions. The Committee's chosen approach is to hear explanations of the gaps from staff in a work session-type setting, and then to hear comments from people attending the meeting.

III. Discussion

The attached, modified excerpt from the "Current Corvallis Code Authority, Gaps and Potential Resolution" document presented to the Committee on October 22 includes a listing of general code gaps and potential resolutions. As requested, modifications have been made to clarify which property types would be included for coverage if code language to address the gaps is developed. As has been shared in past discussions, the approach to implementing additional code authority that was recommended by staff as a result of discussions with the Property Maintenance Code Advisory Group in 2013 was to apply new code standards to both the interiors and the exteriors of residential rental properties, but to apply new standards to only the exteriors of owner-occupied residences and non-residential properties. Staff will plan to supplement its discussion of the items in the attachment with a presentation of representative photographs.

IV. Requested Action

Because no decision is anticipated as an outcome of this meeting, staff request no specific action. However, ASC direction relative to information or materials that will be helpful for a concluding discussion on this topic, to be held on December 17 for the purpose of developing general recommendations for the next City Council's consideration, would be welcomed.

Review and Concur:


Nancy Brewer, City Manager *Pro Tem*

Attachment: Current Corvallis Code Authority, Gaps and Potential Resolution – General Conditions

Current Corvallis Code Authority, Gaps and Potential Resolution

Prepared for Administrative Services Committee Consideration on December 3, 2014

General Code Authority, Gaps and Potential Resolution

General administrative or condition standards, gaps and possible means of resolving those gaps include:

Fire Safety

Current: Provisions of state and local Fire Codes pertain primarily to triplex and larger residential structures; however, OFC Chapter 11 provides for the maintenance of ingress and egress paths of travel in all existing buildings. The Rental Housing Code (CMC 9.02.090) requires smoke detectors in all rental units, including one- and two-family structures.

Gap: There are no maintenance standards for door locks that are operable without keys or special knowledge from the egress side of a doorway, for maintenance of emergency escape openings, or for maintenance of fire-resistant surfaces and assemblies in one- and two-family structures.

Resolution: Adopt specific code language requiring clear, unobstructed paths of travel for the purpose of safe ingress/egress in all structure types; provision of door locks that are operable from the egress side without keys or special knowledge; maintenance of emergency escape openings and fire-resistant surfaces and assemblies in all structure types.

Occupancy Limits

Current: The Land Development Code stipulates by its definition of family that not more than five unrelated adults may occupy a dwelling unit. (LDC Chapter 1.6)

Gap: While the number of unrelated adults in a dwelling unit is limited, there are no standards that specify how much space each must have for sleeping, eating or living. In addition, the definition of "dwelling unit" varies between the Land Development Code and the Rental Housing Code.

Resolution: To implement more effective occupancy limits and address overcrowding and the neighborhood impacts that sometimes stem from that condition, adopt standards for minimum square footage allocation requirements to establish maximum occupancy of a dwelling unit in residential rental occupancy types. Examples of such standards can be found in both the International Building Code and the International Property Maintenance Code. Further, implementation of a single livability code and set of administrative provisions (detailed discussion to follow) would bring a consistent definition to the term "dwelling unit" as that term is applied for purposes of livability code compliance.

General Maintenance

Current: Building codes prescribe methods and materials for the construction and alteration of structures, and for establishing approved occupancy of a space, but do not require maintenance of structures following completion or alteration.

Gap: Because there are no code provisions for the maintenance of structures, the first opportunity the City has to address conditions of decay does not occur until a building or some element thereof must be deemed dangerous and unfit for occupancy.

Resolution: Develop and implement maintenance standards for all occupancy and structure types to prevent a structure's decay to the point that it must be deemed dangerous. Potential areas of focus for such standards were included in the Exterior Conditions discussion package prepared for ASC's November 19 meeting.

Administration

Current: Each of the three codes with livability compliance elements (Municipal Code, Land Development Code and Rental Housing Code) has its own administrative provisions (e.g., the means by which the code is implemented and efforts to gain compliance are carried out).

Gap: Inconsistencies exist among the three codes in regard to notices, compliance actions, penalties, appeals processes, and in the case of the Rental Housing Code, a requirement that a complainant contact the property owner/manager prior to filing a complaint with the City. Implementing three codes with separate sets of administrative provisions may result in a compliance process that is difficult for community members to understand, and that is relatively complex for City staff to administer.

Resolution: Integrating the City's livability code elements into a single code document, with one set of administrative provisions, would simplify compliance work for both staff and the community.

City of Corvallis
Administrative Services Committee

*Continued Discussion of Livability
Code Provisions: Exterior Elements*

December 3, 2014

The Maintenance Gap

*New Construction/
Permitted Alterations*



Limited maintenance provisions are available through the Municipal Code, Land Development Code and Rental Housing Code.

Declaration of a Dangerous Building

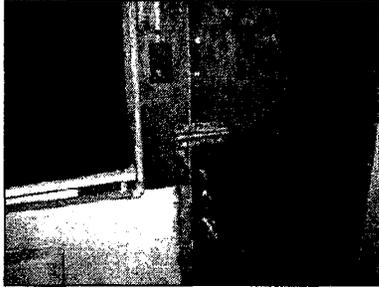
Fire Safety

Current: Provisions of state and local Fire Codes pertain primarily to triplex and larger residential structures; however, OFC Chapter 11 provides for the maintenance of ingress and egress paths of travel in all existing buildings. The Rental Housing Code requires smoke detectors in all rental units, including one- and two-family structures

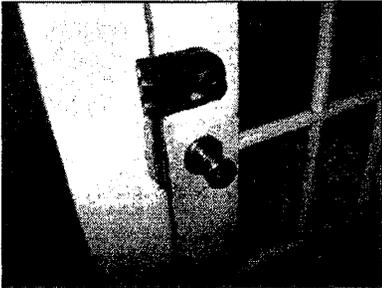
Gap: There are no maintenance standards for door locks that are operable without keys or special knowledge from the egress side of a doorway, for maintenance of emergency escape openings, or for maintenance of fire-resistant surfaces and assemblies in one- and two-family structures.

Resolution: Adopt specific code language requiring clear, unobstructed paths of travel for the purpose of safe ingress/egress in all structure types; provision of door locks that are operable from the egress side without keys or special knowledge; maintenance of emergency escape openings and fire-resistant surfaces and assemblies in all structure types.

General Code Gap Example: *Fire Safety*



General Code Gap Example: *Fire Safety*



General Code Gap Example: *Fire Safety*



**General Code Gap Example:
Fire Safety**



Occupancy Limits

Current: The Land Development Code stipulates by its definition of family that not more than five unrelated adults may occupy a dwelling unit.

Gap: While the number of unrelated adults in a dwelling unit is limited, there are no standards that specify how much space each must have for sleeping, eating or living. In addition, the definition of "dwelling unit" varies between the Land Development Code and the Rental Housing Code.

Resolution: To implement more effective occupancy limits and address overcrowding and the neighborhood impacts that may stem from that condition, adopt standards for minimum square footage allocation requirements to establish maximum occupancy of a dwelling unit in residential rental occupancy types. Examples of such standards can be found in both the International Building Code and the International Property Maintenance Code. Further, implementation of a single livability code and set of administrative provisions (detailed discussion to follow) would bring a consistent definition to the term "dwelling unit" as that term is applied for purposes of livability code compliance.

**Occupancy Limits
IPMC Standards Example for Rentals**

Example minimum space requirements for habitable areas include:

- Habitable rooms to be a minimum of 7 feet in any direction;
- Bedrooms to be a minimum of 70 square feet; additional space required if more than two occupants;
- Living rooms (excludes kitchens and bedrooms) to be a minimum of 120 square feet.

General Maintenance

Current: Building codes prescribe methods and materials for the construction and alteration of structures, and for establishing approved occupancy of a space, but do not require maintenance of structures following completion or alteration.

Gap: With no code provisions for the maintenance of structures, the first opportunity the City has to address conditions of decay does not occur until a building or some element thereof must be deemed dangerous and unfit for occupancy.

Resolution: Develop and implement maintenance standards for all occupancy and structure types to prevent a structure's decay to the point that it must be deemed dangerous. Potential areas of focus for such standards were included in the Exterior Conditions discussion package prepared for ASC's November 19 meeting.

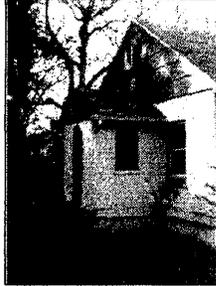
**General Code Gap Example:
General Maintenance**



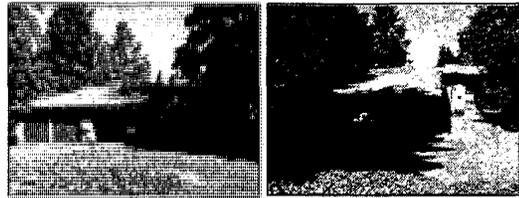
**General Code Gap Example:
General Maintenance**



General Code Gap Example:
General Maintenance



General Code Gap Example:
General Maintenance



General Code Gap Example:
General Maintenance



General Code Gap Example:
General Maintenance



General Code Gap Example:
General Maintenance



General Code Gap Example:
General Maintenance



Administration

Current: Each of the three codes with livability compliance elements (Municipal Code, Land Development Code and Rental Housing Code) has its own administrative provisions (e.g., the means by which the code is implemented and efforts to gain compliance are carried out).

Gap: Inconsistencies exist among the three codes in regard to notices, compliance actions, penalties, appeals processes, and in the case of the Rental Housing Code, a requirement that a complainant contact the property owner/manager prior to filing a complaint with the City. Implementing three codes with separate sets of administrative provisions may result in a compliance process that is difficult for community members to understand, and that is relatively complex for City staff to administer.

Resolution: Integrating the City's livability code elements into a single code document, with one set of administrative provisions, would simplify compliance work for both staff and the community.

Administration

Areas for Potential Code Alignment

Areas of inconsistency in administration between Municipal Code, Land Development Code and Rental Housing Code:

- Definitions
- Inspection and determination of violations
- Notices of violation
- Penalties for noncompliance
- Appeals

Administration

Contemplated Compliance Protocols

- Operate on a complaint vs. inspection basis; do not accept anonymous complaints but within legal limits, honor requests for confidentiality
- Residential rental units to be subject to interior and exterior standards; all other property types subject to exterior standards
- Suggest, but not require that tenants address issues directly with their landlord before filing a complaint
- Investigations limited to the scope of a complaint unless life/safety issues are identified during the investigation process
- Compliance achieved through a series of notices with response and action times based on the severity of the violation
- Progressive enforcement approach to be developed for application in cases of failure to achieve compliance
- All appeals to be heard by the City's Board of Appeals

City of Corvallis

Administrative Services Committee

Continued Discussion of Livability Code Provisions: Exterior Elements

December 3, 2014

**ADMINISTRATIVE SERVICES COMMITTEE
MINUTES
December 3, 2014**

Present

Councilor Hal Brauner, Chair
Councilor Biff Traber

Absent

Councilor Joel Hirsch, excused

Staff

Nancy Brewer, City Manager *Pro Tem*
Janet Chenard, Interim Finance Director
Ken Gibb, Community Development
Director
Jon Sassaman, Police Chief
Jim Brewer, Deputy City Attorney
Dan Carlson, Development Services
Division Manager
Julian Contreras, Financial Services
Division Manager
Dave Henslee, Police Community Services
Division Captain
Kent Weiss, Housing and Neighborhood
Services Division Manager
Bob Loewen, Housing Program Specialist
Tina Stephens, Senior Accountant
Chris Westfall, Code Compliance
Supervisor
Emely Day, City Manager's Office

Visitors

Leah Bolger
Will Bowerman
Bill Cohnstaedt
Cory Cook
Trish Daniels
Jim Day, *Corvallis Gazette-Times*
Jerry Duerksen
Kevin Dwyer, Corvallis Chamber of
Commerce
David L. Erwin
Carl Hadley
Tom Jensen
Jim Kemp
Sheralyn Kemp
Lyn Larson
Jeanie Mason
Sarah Finger McDonald
Carl Price
Jenny Saarloos
Holly Sears
LoErna Simpson
Bob VanVleet
Bob Watson
Deborah Weaver
John Wydronek

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Open Carry of Loaded Firearms Alternatives			Direct staff to develop language concerning safety and Constitutional rights in the form of a City Council policy and a resolution and stop consideration of an ordinance and an advisory question for voters
II. Comprehensive Annual Financial Report			Accept Report
III. Livability Code/Neighborhood Outreach Program Review (administrative provisions)	Yes	Continued discussions Dec 17	
IV. Other Business			

insurance coverages, deductibles, and risks. The City's stringent internal controls were checked by the auditors each year. The current audit firm believed the insurance level should be increased, based upon occasionally higher bank balances carried by the City.

Chair Brauner commended staff for 23 consecutive years of clean audits and at least 29 years of awards of excellence from the Government Finance Officers Association. He noted that the statistical section of the CAFR included valuable information regarding community features. The budget document also provided valuable information concerning City operations.

Based upon a motion moved and seconded by Councilor Traber and Chair Brauner, respectively, the Committee unanimously recommends that Council accept the June 30, 2014, Comprehensive Annual Financial Report.

 III. Livability Code/Neighborhood Outreach Program Review (administrative provisions)

Community Development Director Gibb noted that staff would seek final direction during the December 17 Committee meeting. Today's presentation would focus on general code gaps, including administrative provisions and protocols. The Livability Codes would focus on maintaining existing structures to avoid needing to declare them as dangerous.

Housing and Neighborhood Services (HNS) Division Manager Weiss began a PowerPoint presentation (Attachment D).

Fire Safety

Code Compliance Supervisor Westfall described a photograph of an exterior door to a basement residential space; the interior side of the door had a throw bolt that would require special knowledge to operate and could prevent exit from or entry to the space in an emergency.

Mr. Westfall described a photograph of an exterior door with a deadbolt lock that required a key from the inside.

Mr. Westfall described two photographs of a residential unit egress path obstructed by clutter to the extent that it constituted a fire hazard, as determined by the Fire Marshal. The situation met Dangerous Building Code (DBC) criteria that would require City staff to intervene; until the single-family dwelling was declared a dangerous building, City staff could not address the deterioration and the safety issues.

John Wydronek inquired whether the fire safety issue would pertain to owner-occupied residences; Mr. Weiss confirmed. Mr. Wydronek noted that fire safety concerns would be investigated based upon complaints. The property maintenance code issue was a recommendation of the Oregon State University (OSU)/City Collaboration Project Neighborhood Livability Work Group (NLWG). He questioned how a property owner who

chose to live with a throw bolt or double-key deadbolt lock or with accumulated clutter would impact neighborhood livability or deteriorate property over time. He opined that the suggested code gap resolutions exceeded the original objectives of the NLWG.

Deborah Weaver concurred with Mr. Wydronek's concerns. She asked how the City would inspect and enforce standards regarding clutter for the interior of private homes. Chair Brauner noted that inspections would be done in response to complaints, and Ms. Weaver questioned who would complain about an owner-occupied home.

Ms. Weaver asked what was meant by emergency escape openings in private homes. Mr. Westfall responded that staff currently operated with Building Code definitions, including ingress and egress paths in the suggested definition of emergency escape openings; those could be windows or doors and would be other than the primary, designated ingress/egress opening (typically a front door).

Ms. Weaver asked what was meant by fire-resistant surfaces and whether the term would be applicable to all buildings. She inquired what was meant by "assemblies" in the context of the suggested code gap resolution. She said it was difficult to respond to staff's suggested resolutions when meanings were unknown.

Mr. Westfall responded that, under building codes, some structures must have fire-resistant surfaces, which were the components that constituted the final product (e.g., drywall, ceiling separation panels, etc.); when combined, the components were designed to slow the spread of fire.

Development Services Division Manager Carlson added that fire-resistant assemblies were typically in areas of dwelling unit separation (apartment complex walls separating dwelling units). Other building code provisions applied to garage/dwelling unit separations. Fire-resistant assemblies were typically where a potential fire area should be separated from a dwelling area. In response to Councilor Traber's inquiry, Mr. Carlson confirmed that the Building Code required fire-resistant assemblies for new construction.

Ms. Weaver requested more-specific information on factors concerning fire safety. She asserted that inspection and enforcement of standards for the interior of a dwelling would be very personal to the resident.

Jim Kemp asked when a point of egress could be blocked via child safety locks, noting that residents may place locks on doors to areas where firearms or chemicals were stored. Depending upon the location of a fire, any door could be part of an emergency egress path.

Mr. Gibb responded that the original NLWG recommendation would apply to all properties; the recommendation was revised to exclude most interior issues for non-rental property. Staff recently received a complaint from a family regarding safe living conditions because of ingress/egress paths hampered by clutter. Based upon experience, it was anticipated that complaints would typically pertain to rental units.

Occupancy Limits

Mr. Weiss explained that many communities adopted the International Property Maintenance Code (IPMC) standards for sizes of habitable spaces. He indicated a 70-square-foot area outlined with tape on the meeting room floor in front of Committee members to indicate a minimum size for bedrooms. He clarified that "efficiency" or "studio" units would be allowed with different size standards. Chair Brauner presumed that a living space that was used for sleeping (with a hide-a-bed, day bed, etc.) would need to meet the larger "living room" size standard of 120 square feet.

In response to Councilor Traber's inquiry, Mr. Carlson explained that the Building Code specified minimum size standards applicable to new construction and significant renovation. He noted that the minimums under the Building Code were consistent with those of the IPMC.

Chair Brauner concurred with the stated need for common definitions among codes.

Mr. Gibb said staff did not intend that a property maintenance code definition of occupancy limits would replace the Land Development Code (LDC) definition of "family" as being not more than five unrelated adults. The suggested code gap resolution would provide size minimums to occupancy standards for residential dwellings. He clarified for Chair Brauner that staff did not plan for the Committee to determine whether the LDC definition of "family" was still appropriate. Chair Brauner noted that the size of some dwelling units would determine their potential occupancy limits.

Carl Price inquired about facilities which constituted one living unit with multiple bedrooms for unrelated residents, such as a retirement or medical facility. Chair Brauner responded that such facilities would be subject to different rules. Mr. Price inquired whether the LDC definition of "family" (not more than five unrelated adults) affected civil rights and whether it would be better to specify a minimum square footage as the only criteria for occupancy limits.

Deborah Weaver inquired whether the City wanted a single livability code, regardless of the nature of a dwelling unit. Chair Brauner explained that the City's codes had varying definitions for the same terms; and staff suggested a single definition for each term, which could be accomplished via a single code.

Ms. Weaver opined that defining the square footage that made living, eating, or sleeping areas livable was impossible and was personal to each person. She noted that Corvallis was a diverse community, and "livable" standards for one person may not be "livable" to someone else. The community had extensive cultural diversity, and she observed three-generations living in single-family homes of up to 1,000 square feet with three bedrooms and one bathroom; those homes often were very clean and very organized. She did not believe the City should define how people lived, particularly basing such standards on square footage. Mr. Weiss clarified that the square footage standards would only apply to

rental units. Ms. Weaver asserted that tenants must determine what sizes of living units were best for them, and landlords may limit the number of residents per unit, aside from the LDC limitation. She questioned the situation the suggested code gap resolution was intended to address.

Bill Cohnstaedt noted that residential areas of the community were developed at different times according to different lot and building size standards. He expressed concern that older single-family houses had bedrooms smaller than 70 square feet. He asked what the requirements might be if the house became a rental unit, whether the landlord would be prohibited from declaring a room a bedroom if it was smaller than 70 square feet, and who would enforce the restrictions. A single-family house constructed during the 1930s might not be approved as a rental dwelling under the suggested size standards. He questioned whether such a building, if it was damaged, would be required to meet the suggested standards upon re-construction.

Holly Sears of Willamette Association of Realtors (WAOR) urged the Committee to be cautious in placing requirements on occupancy limits. She noted the community's acceptance of multi-cultural diversity and that different cultures had different standards for living spaces. A space one person might consider cramped could be considered spacious by someone else, and space standards could be considered insensitive to some cultures. She noted that people rented units they could afford. Space standards for residential rental units could result in larger units that people could not afford.

Councilor Traber noted that 70 square feet for a bedroom might seem small for two people and asked how the square-footage standards would work. Mr. Weiss responded that the Committee could direct staff to develop standards based upon the IPMC standards or other measurements.

Chair Brauner said he would consider the issue of square-footage standards in relation to the community livability issue. He acknowledged the existence of different lifestyles and the difference between renting a dwelling to a family or to a group of college students.

Bill Cohnstaedt noted that five individually rented rooms in one house constituted a rooming house, which was subject to different rules.

Housing Program Specialist Loewen said some new developments in Corvallis were being rented to groups of tenants, with each tenant signing a lease for their bedroom and the common, shared space. This was becoming a common way of renting units.

In response to Chair Brauner's inquiry, Mr. Carlson confirmed that the rental units Mr. Loewen described were subject to the same occupancy-limit standards as other rental units. Mr. Gibb added that five-bedroom, single-family residences were built during the last few years and rented to five unrelated tenants.

Mr. Cohnstaedt said he supported different rules for rental units such as Mr. Gibb and Mr. Loewen described.

Councilor Traber said he supported the City having a single definition of a dwelling unit, not necessarily in one document, but consistent among various documents.

General Maintenance

Mr. Westfall described a photograph of an opening in a building foundation. The basement of the building was occupied for purposes other than utilities. An engineer determined that the building was not in danger of imminent collapse, so it did not meet the criteria of the DBC. The opening did not allow water to penetrate into a habitable space, so the Rental Housing Code (RHC) provisions regarding weatherproofing could not be applied to the situation. The building foundation had numerous openings. Staff received several complaints regarding non-reinforced foundations in older buildings.

Mr. Westfall described a photograph of the inside of a basement foundation that was buckling into the structure. A crack in the non-reinforced foundation was patched. An engineer determined that the building was not in danger of imminent collapse, so the City could not take any action. The utility basement was not inhabited, but the overall integrity of the structure was a concern.

Mr. Westfall described a photograph of a house with issues involving the basement, roofing, and the painting of the stucco/concrete building exterior. Weatherproofing actions might stop water from penetrating into the living space; so far water was only penetrating the building envelope and deteriorating the structure. Since water had not penetrated to the living space, RHC provisions could not be enforced.

Mr. Loewen described a photograph of a house with an area of saturated siding caused by a failing gutter. Much of the roof was covered with moss.

Mr. Westfall described a photograph of a vacant residence for which staff routinely received complaints about it being a potentially dangerous building and creating a blighting condition in the neighborhood. Elements of the structure (e.g., roof, siding, and windows) were beginning to deteriorate. No one had complained to the City about the conditions of the habitable spaces within the structure. The City did not have maintenance provisions to ensure that an abandoned or vacant building was maintained to a minimum standard.

Mr. Westfall described a photograph of a long-vacant building. A summer kitchen/storage facility adjacent to the house continued to collapse. During 2001, the City ordered removal of a carport and garage because of their deteriorated condition. The structure was designated as a historic resource, but it was succumbing to demolition by neglect. Window openings were covered with plywood to keep out trespassers, the roof was not maintained, and there was no waterproofing of the siding.

Mr. Westfall described a photograph of a vacant house that was compromised by water infiltration; a portion of the structure failed and was removed.

Councilor Traber asked what might constitute a minimum standard for maintenance, noting that the issue concerned him. He questioned whether the City would legislate that property owners incur expenses to maintain their property in a 'pristine condition.' He asked what would happen when properties were neglected to the point they did not meet the minimum standards or when property owners did not have the financial resources to complete City-required action.

Mr. Westfall explained that, under a property maintenance code, the City would have provisions to impose penalties or fines or seek legal remedies to encourage or enforce correction. He clarified that minimum maintenance standards would regulate structural functionality, rather than appearance or aesthetics. Standards could include maintaining structural weatherproofing via paint application or roofing installation.

Councilor Traber acknowledged that a dangerous building was an extreme condition. He was concerned that neighbors could force someone to address what they perceived as a structural problem that the property owner considered aesthetic in nature.

Mr. Gibb responded that the Committee would need to consider property maintenance code language. Staff received complaints from citizens concerned that their property values were impacted by the condition of a neighborhood property. Judgment must be exercised, and it was impossible to define every eventuality. An appeal process would be provided to evaluate disputed decisions.

Ms. Brewer added that a property owner who was unable to afford the required corrective action could be referred to a social service agency. City staff would work with the property owner to resolve the neighborhood's concerns, rather than giving the property owner an ultimatum about correcting the maintenance deficiency. Mr. Gibb added that the City had rehabilitation loan programs to assist property owners.

Will Bowerman said he owned rental houses older than 1930. He was trying to get a permit for a structure built during 1885 that had a foundation that was damaged during a relocation. The house was on the inventory as a historic structure. As was typical for older houses, the chimney did not extend to the ground. The City required him to involve an engineer in seismically reinforcing the chimney; however, his structural engineer said the required reinforcement was not possible. He could not repair the foundation of the house unless the City accepted the engineer's letter that the chimney could not be reinforced. The chimney could not be removed because of the historic status of the house.

Mr. Bowerman concurred with much of the suggested property maintenance code provisions but expected his property expenses to increase. He would be more supportive of a property maintenance code if the City did not have a backlog of unresolved code compliance complaints and had a better timeline for responding to such complaints. He

expressed frustration with working through the current City permit requirements. He said old construction vastly differed from new construction, and some aspects of older construction could not be remedied by current techniques.

John Wydronek opined that the suggested general maintenance provisions were so vague they were meaningless and lacked substance to generate public comment. He acknowledged that no one wanted derelict housing, and he expected that everyone would support standards to prevent severely deteriorated structures. He said the IPMC was very specific but was not incorporated into staff's suggested code gap resolutions, even though the IPMC was referenced in the code gaps. He considered some of the suggested code provisions so detailed that they were "ridiculous."

Chair Brauner said the Committee might not present all of the issues to the City Council.

Carl Price pondered the consequences of a property maintenance code when someone could not afford to resolve an issue of moss on their house roof or the costs for the City becoming involved in a neighborhood dispute regarding property maintenance.

Holly Sears said the suggested property maintenance code resembled a city-wide homeowners' association. WAOR believed homeowners needed flexibility to determine their property maintenance priorities based upon personal needs, home improvement plans, time, and budget. Choices in property condition that did not threaten public health or safety should not be subject to the City determining when maintenance should be done.

Kevin Dwyer, Corvallis Chamber of Commerce, opined that the suggested property maintenance code seemed to be "over the top" and intended to make Corvallis a model city for property maintenance. He acknowledged the positive aspects of the suggested code, but some of the provisions could be onerous. He urged that the City Council consider the potential economic impacts of implementing some of the code provisions. He considered the suggested property maintenance code an impediment to developing affordable housing in the community because the code provisions would impose more costs on property owners.

Trish Daniels said the Collaboration Project Neighborhood Planning Work Group received testimony asking that the City reduce the number of unrelated adults allowed to rent a dwelling unit; a related motion failed; and the Group approved retaining the five-person limitation.

Ms. Daniels was encouraged that the City was taking action to develop a means of keeping the community livable for everyone. She understood that a property maintenance code was not being suggested so the City could pursue procrastinating property owners or messy people; the code was intended to address houses in severe disrepair. She said the issue was not the frequency of such situations but, rather, the demoralizing, debilitating, and often long-standing affect on neighborhoods from such situations and the City's limited ability to intervene.

Ms. Daniels described a situation from the 1990s in a neighborhood adjacent to OSU's campus, for which the City could only increase Police patrols and require the property owners to affix boards over doors and windows to prevent trespassers from entering the buildings. This action required routine visits by City staff to ensure that the required work was done. Values of nearby properties decreased because of the appearance of the two problem properties. A transient's warming fire got out of control, and the entire block was destroyed. She said one property owner's personal circumstances could cause a similar situation in any neighborhood in Corvallis. Maintenance standards could have allowed the City to intervene much earlier, saving all of the buildings on the block. She referenced Ms. Brewer's statement that low-income property owners often could not afford building repairs and may not be aware of community resources for assistance. City staff investigating such situations could refer the property owners to resources.

Lyn Larson viewed the issue of property maintenance from the perspective of preserving the historical nature of neighborhoods. She hoped the suggested code amendments would be adopted so the City could enforce them. She was surprised that single-family houses were allowed to deteriorate to the extent that they could not be salvaged; those houses were often replaced with large, townhouse-style apartment structures. The City's Comprehensive Plan stated that single family houses were needed in the community. If property owners were not allowed to let their structures self-demolish by neglect, the community would not lose the type of housing people said was needed.

Will Bowerman observed that regulations governed most of the issues presented to the Committee. He commented on the amount of time and paperwork involved to work on historic structures. He liked historic structures, but funds and time were needed to pursue permitting and follow regulations.

Administration

Mr. Weiss noted that the Committee was no longer considering adopting the IPMC; however, the concept of incorporating administrative provisions into one code to administer livability code elements was available for the Committee's consideration and would allow staff to effectively address the issues presented to the Committee.

Mr. Westfall reviewed areas of inconsistency in administering the Municipal Code, LDC, and RHC. As an example, he highlighted the varying definitions for "dwelling unit" among the City's codes. He explained that the definitions varied to meet the intents of the different codes. Staff held the professional perspective that cohesive definitions could help to meet the neighborhood livability intent.

Mr. Westfall explained that complaints were prioritized based upon the severity of the situation, such as lack of heat during the winter, lack of water, broken windows, water entering a living space, etc. Complainants were advised of the procedure, including providing proof of notification to a landlord or property manager, if applicable, and staff's investigation process. Often people complaining under the RHC did not return to City staff,

and staff did not know if the complaints were resolved or abandoned. The urgency of a complaint issue could determine the timeline for staff responding to code non-compliance. Violation notices were subject to varying code requirements (including content) and timelines. Appeals criteria and processes varied among the codes. Centralizing the appeal process would provide simplification for staff and complainants.

Mr. Weiss reviewed contemplated compliance protocols, suggested by the NLWG and the Property Maintenance Code Advisory Group (PMCAG). The RHC currently required tenants to file complaints with landlords and, after a prescribed time, allowed tenants to file complaints with the City.

Councilor Traber commented that it was reasonable to align administration of the City's codes.

Chair Brauner noted that the various codes would still have procedures delineated that may not follow the scenario Mr. Weiss described. Staff must still determine which code applied to a situation. While the codes could be similar, there would be some inherent differences. It was reasonable to have the administrative provisions in one document.

Mr. Gibb clarified that staff would like to consolidate code provisions as much as possible where the City had local jurisdiction over situations.

John Wydronek said the issue of requiring tenants to seek resolution from landlords was controversial for the PMCAG. Some tenants of minority population groups were concerned about retaliation for reporting problems. He believed lease agreements had legal responsibilities, and it was reasonable to expect tenants to report problems to landlords; he included this requirement in his leases. He was not certain what retaliation might occur if a tenant contacted a landlord or the City; any action he could take directly he could take after a tenant contacted the City. The location of the complained problem would fairly clearly indicate who reported the problem to the City. He said it was not acceptable to not allow landlords to resolve problems. The 2010 RHC report included a statement that requiring tenants to work with landlords often resolved problems and reduced the number of complaints filed with the City.

Councilor Traber surmised that the word "suggest," rather than "require," regarding tenants reporting problems to landlords was intended to address situations of people who would not complain to the City because they were required to first contact their landlord but would not do so, and the problem was not resolved. He recalled earlier discussions that, if a landlord did not respond to a tenant's complaint, the tenant could seek the City's assistance. The complaint would not be anonymous, but the City's assistance might ease the tenant's concerns of landlord retaliation.

Mr. Wydronek questioned why the current procedure should be changed and potentially increase the complaint case workload for City staff. If a rental agreement required a tenant

to report a problem to the landlord and the tenant, instead, reported the problem to the City, the landlord would have the legal right to evict the tenant for breaching the agreement.

Bill Cohnstaedt asked that, if the Committee directed staff to prepare a code to address administration of compliance protocols, a group with experience in landlord-tenant relations and property management be appointed to draft the code language. This would be a more collaborative effort with support from groups that would be affected by the code.

Jerry Duerksen agreed with Mr. Cohnstaedt that he, as a property manager, would like to be involved in developing code language regarding administering compliance protocols.

Holly Sears noted that many of staff's proposals during the past three Committee meetings incorporated IPMC provisions. WAOR believed staff's suggestions constituted re-formatting the previous proposal to adopt the IPMC, which the Committee declined to do. The Association believed extensive discussions were needed regarding which code gaps needed to be resolved. Without that discussion, undertaking a major overhaul of the existing codes to create a single livability code amounted to "putting a cart before a horse." She concurred with Mr. Cohnstaedt's suggestion of a group to collaboratively discuss code gaps. This was her first opportunity to review the contemplated compliance protocols, and she needed more time to consider them.

Ms. Brewer commented that Community Development Department staff worked on the code issues for more than two years as a result of the OSU/City Collaboration Project and conducted several meetings involving the community and various combinations of groups including landlords, tenants, and neighborhoods. While some people may just be becoming involved in the discussions, the issue was not new.

Chair Brauner explained that the Committee previously decided that it did not want to adopt the IPMC and delete what did not apply to Corvallis. Rather, the Committee wanted to identify and determine how to resolve the gaps in the City's existing codes. The gaps may be resolved with language extracted from the IPMC. Councilor Traber concurred.

Chair Brauner announced that the Committee would meet December 17 to discuss the code gaps and determine which gaps to focus on resolving. Mr. Gibb said staff could provide a chart of the gaps and seek Committee prioritization of the gaps. Staff could develop a proposal for how it could work with a stakeholder group toward developing code language to resolve the gaps.

This issue was presented for information only.

IV. Other Business

- A. The next regular Administrative Services Committee meeting is scheduled for December 17, 2014, at 3:30 pm, in the Madison Avenue Meeting Room.

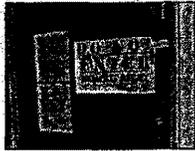
City of Corvallis
Administrative Services Committee

Continued Discussion of Livability
Code Provisions: Exterior Elements
 December 3, 2014

The Maintenance Gap

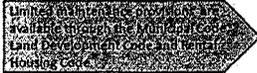


*New Construction/
Permitted Alterations*



Declaration of a Dangerous Building

Limits available through the Municipal Code, Land Development Code and Rental Housing Code.



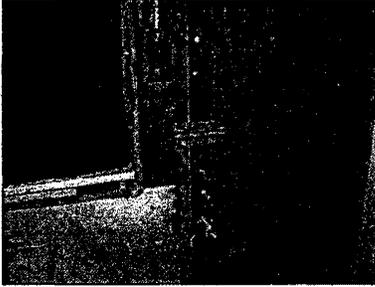
Fire Safety

Current: Provisions of state and local Fire Codes pertain primarily to triplex and larger residential structures; however, OFC Chapter 11 provides for the maintenance of ingress and egress paths of travel in all existing buildings. The Rental Housing Code requires smoke detectors in all rental units, including one- and two-family structures

Gap: There are no maintenance standards for door locks that are operable without keys or special knowledge from the egress side of a doorway, for maintenance of emergency escape openings, or for maintenance of fire-resistant surfaces and assemblies in one- and two-family structures.

Resolution: Adopt specific code language requiring clear, unobstructed paths of travel for the purpose of safe ingress/egress in all structure types; provision of door locks that are operable from the egress side without keys or special knowledge; maintenance of emergency escape openings and fire-resistant surfaces and assemblies in all structure types.

General Code Gap Example:
Fire Safety



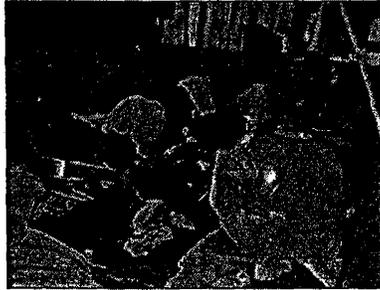
General Code Gap Example:
Fire Safety



General Code Gap Example:
Fire Safety



**General Code Gap Example:
Fire Safety**



Occupancy Limits

Current: The Land Development Code stipulates by its definition of family that not more than five unrelated adults may occupy a dwelling unit.
Gap: While the number of unrelated adults in a dwelling unit is limited, there are no standards that specify how much space each must have for sleeping, eating or living. In addition, the definition of "dwelling unit" varies between the Land Development Code and the Rental Housing Code.
Resolution: To implement more effective occupancy limits and address overcrowding and the neighborhood impacts that may stem from that condition, adopt standards for minimum square footage allocation requirements to establish maximum occupancy of a dwelling unit in residential rental occupancy types. Examples of such standards can be found in both the International Building Code and the International Property Maintenance Code. Further, implementation of a single livability code and set of administrative provisions (detailed discussion to follow) would bring a consistent definition to the term "dwelling unit" as that term is applied for purposes of livability code compliance.

**Occupancy Limits
IPMC Standards Example for Rentals**

Example minimum space requirements for habitable areas include:

- Habitable rooms to be a minimum of 7 feet in any direction;
- Bedrooms to be a minimum of 70 square feet; additional space required if more than two occupants;
- Living rooms (excludes kitchens and bedrooms) to be a minimum of 120 square feet.

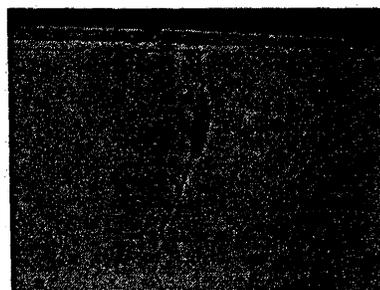
General Maintenance

Current: Building codes prescribe methods and materials for the construction and alteration of structures, and for establishing approved occupancy of a space, but do not require maintenance of structures following completion or alteration.
Gap: With no code provisions for the maintenance of structures, the first opportunity the City has to address conditions of decay does not occur until a building or some element thereof must be deemed dangerous and unfit for occupancy.
Resolution: Develop and implement maintenance standards for all occupancy and structure types to prevent a structure's decay to the point that it must be deemed dangerous. Potential areas of focus for such standards were included in the Exterior Conditions discussion package prepared for ASC's November 19 meeting.

**General Code Gap Example:
General Maintenance**



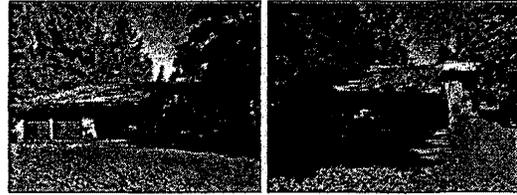
**General Code Gap Example:
General Maintenance**



General Code Gap Example:
General Maintenance



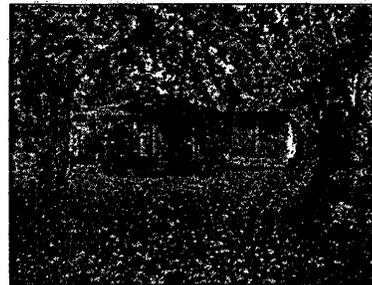
General Code Gap Example:
General Maintenance



General Code Gap Example:
General Maintenance



General Code Gap Example:
General Maintenance



General Code Gap Example:
General Maintenance



General Code Gap Example:
General Maintenance



Administration

Current: Each of the three codes with livability compliance elements (Municipal Code, Land Development Code and Rental Housing Code) has its own administrative provisions (e.g., the means by which the code is implemented and efforts to gain compliance are carried out).

Gap: Inconsistencies exist among the three codes in regard to notices, compliance actions, penalties, appeals processes, and in the case of the Rental Housing Code, a requirement that a complainant contact the property owner/manager prior to filing a complaint with the City. Implementing three codes with separate sets of administrative provisions may result in a compliance process that is difficult for community members to understand, and that is relatively complex for City staff to administer.

Resolution: Integrating the City's livability code elements into a single code document, with one set of administrative provisions, would simplify compliance work for both staff and the community.

Administration

Areas for Potential Code Alignment

Areas of inconsistency in administration between Municipal Code, Land Development Code and Rental Housing Code:

- Definitions
- Inspection and determination of violations
- Notices of violation
- Penalties for noncompliance
- Appeals

Administration

Contemplated Compliance Protocols

- Operate on a complaint vs. inspection basis; do not accept anonymous complaints but within legal limits, honor requests for confidentiality
- Residential rental units to be subject to interior and exterior standards; all other property types subject to exterior standards
- Suggest, but not require that tenants address issues directly with their landlord before filing a complaint
- Investigations limited to the scope of a complaint unless life/safety issues are identified during the investigation process
- Compliance achieved through a series of notices with response and action times based on the severity of the violation
- Progressive enforcement approach to be developed for application in cases of failure to achieve compliance
- All appeals to be heard by the City's Board of Appeals

City of Corvallis

Administrative Services Committee

Continued Discussion of Livability Code Provisions: Exterior Elements

December 3, 2014

WILLAMETTE

Association of REALTORS®

December 17, 2014

To: Administrative Services Committee

From: Angela Stuckart, 2015 President
Willamette Association of REALTORS®
realtors@waor.org, 541-924-9267

Holly Sears, Government Affairs Coordinator
willamettevalleygad@gmail.com, 503-931-0876

Re: Livability Code/Neighborhood Outreach Program Review

On behalf of the approximately 340 members of the Willamette Association of REALTORS®, thank you for the opportunity to comment on the Livability Code/Neighborhood Outreach Program Review. As you know, our Association has been closely involved in this process for about two years and has given input on many occasions.

We agree that some of the items discussed during the last three Committee meetings have the potential to benefit the community and deserve more detailed discussion. For instance, requiring adequate exterior lighting in parking lots and walkways around apartment buildings. However, it is important to step back and ask whether the listed gaps are actual gaps. What is a gap? Is it something missing entirely from city code or is it something that is currently in the code but in a place other than where it is desired that it be? Is it something that could be more affectively addressed through education and outreach?

We understand that the matrix before you is what you asked staff to prepare at the last meeting. However, it appears that some gaps go beyond clarifying existing code and instead impose an extensive citywide maintenance code for every property in the city, dictating how one should live without concern for one's personal preferences, budget or cultural ideals. Yet the cost for the city to implement, inspect and enforce this new program appears to be unknown. Once the cost is known, will it be proportionate to the small number of neglected buildings that have been identified?

We are concerned that many purported gaps appear to require properties to update to current codes, regardless of when they were built, and regardless of whether updates are feasible or cost-effective. Requiring unnecessary updates will force up rental rates and impact availability of affordable housing. Lack of adequate, affordable housing ultimately impacts the city's economy.

...Continued on Page 2...

Willamette Association of REALTORS®
541-924-9267 Phone 541-924-9268 Fax Email: realtors@waor.org

(Representing Members in Benton and Linn Counties)

...Page 2, December 17, 2014...

The staff report, dated December 10, 2014, states that the current inconsistencies in the codes lead to “a process that is difficult for community members to understand, and that is relatively complex for City staff to administer.” Has any research been done to confirm that this statement is representative of the general concern of the community? Has any analysis been conducted to determine the cost of consolidating the code and the benefit that will be received as a result?

Lastly, the staff report states that City staff does not plan to include public comment on the work session agendas. Staff is correct in recognizing that this topic has been a lengthy process with over two years of discussion. However, attempting to mitigate the length of this project at its most critical point would be unfortunate. We kindly request that you direct that public comment be added to all work group agendas.

We appreciate the Committee and staff’s dedication to this project and for considering our questions and comments.

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Willamette Association of REALTORS®
541-924-9267 Phone 541-924-9268 Fax Email: realtors@waor.org

(Representing Members in Benton and Linn Counties)

MAYOR & COUNCIL EMAIL

[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

Feedback on Proposed Changes to Property Maintenance Code

- *To:* <ward9@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>, <ward6@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>, <ward8@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject:* Feedback on Proposed Changes to Property Maintenance Code
- *From:* "John Wydronek" <jgwydronek@xxxxxxx>
- *Date:* Tue, 16 Dec 2014 22:00:00 -0800
- *Authentication-results:* zmail-mta01.peak.org (amavisd-new); dkim=pass (1024-bit key) header.d=mx.aol.com

Hal, Joel and Biff,

I want to express my appreciation for the time and effort each you have invested in the proposed changes to the the property maintenance code. Clearly you take this issue seriously and are working hard to come up with a solution that will work for everyone.

Attached is feedback on the proposed changes to the City of Corvallis property maintenance code.

Best Regards,

John Wydronek

Attachment: PMC Feedback 121614.pdf

Description: Adobe PDF document

- Prev by Date: **Engaging the Whole Community - DATE CORRECTION!!**
- Next by Date: **Holiday Business After Hours 2014-12-18 LAST CHANCE**
- Previous by thread: **Engaging the Whole Community - DATE CORRECTION!!**
- Next by thread: **Holiday Business After Hours 2014-12-18 LAST CHANCE**
- Index(es):
 - **Date**
 - **Thread**

TO: Administrative Services Committee

FROM: John Wydronek

SUBJECT: Feedback on Proposed Livability Code Changes

DATE: December 16, 2014

Over the last 2 years I have attended nearly every meeting regarding the proposed changes to the PMC. During this time there has been a consistent message from citizens that will be impacted by the proposed implementation of the IPMC. First, citizens would like to see the backlog of PMC complaints resolved prior to adding any additional code requirements. Second, any additions to the PMC should be supported by historical data which shows complaints that cannot be resolved with existing code provisions.

Unfortunately, city staff has refused to consider these requests even though they've been brought up by numerous community members throughout the process of developing the new PMC proposal.

Once the proposed changes to the PMC were presented to the ASC there was a breath of fresh air as committee members were asking good questions. In fact, some of the same questions that had been asked by citizens at many prior meetings.

I was especially encouraged at the June 4th ASC meeting where Hal Brauner suggested setting aside the top down approach where the IPMC would replace the existing local PMC. Hal instead suggested a bottoms up approach where existing PMC code would be pulled together and gaps that need to be addressed identified. He also suggested proceeding with a planned staff reorganization and adding additional code enforcement staff that had been funded by the recently approved public safety ballot measure. The goal to quickly make a significant reduction in the code enforcement backlog of about 700 complaints. At the same meeting Joel Hirsch requested that city staff review the backlog of complaints and categorize them by nature of complaint. In other words he requested staff to look at the existing complaints and generate useful data that could be used to determine gaps. Finally, staff was instructed to act upon the very same requests that the public had been requesting for the last 18 months.

When the ASC again took up the topic of PMC changes in October, some 5 months later, staff came prepared with a significant number of "gaps" they had identified in the existing code. When questioned about their progress on reorganization, staffing and reduction in the complaint backlog, they said the reorganization had been completed and they had resolved approximately 35 backlogged complaints. At this rate the backlog would be eliminated in 8 years. This is unbelievably poor performance by any measure. There was no mention that any work had been done to categorize the complaint backlog as requested by councilor Hirsch. Apparently staff intends to ignore this request. For some reason the lack of any work on this issue was not questioned by the ASC. The ASC had clearly requested this work to be done, and in 4 months nothing has been done, but they had somehow found time to generate a long list of desired changes to the existing code. In private industry, this type of behavior is not accepted.

Over the next three meetings review of the "gaps" identified several concerns:

- Staff stated a gap exists if something exists in the IPMC but not in existing city code. It's unclear why this is the case considering the ASC said that we will not implement the IPMC. If this approach is taken you basically reverse engineer the IPMC document which is a waste of time. If this was the intent you would just adopt the IPMC as written. Given that we have a complaint based program with 10 years of history, a more reasonable definition of a gap is when complaints of a certain type are received but staff is unable to correct the problem because current code does not address the issue.
- It is unclear what problem is trying to be solved by the proposed code changes. What is the problem statement? Is it deficiencies in the condition of rental housing? Is it addressing derelict housing? Is it ensuring maintenance is done to prevent housing to deteriorate to a derelict state? Is it to push personal preferences in housekeeping? There are examples of each of these in the gaps that have been identified.
- The gaps are identified at such a high level that it's unclear to the ASC and those attending the meeting as to the true intent of the gap. On several occasions the ASC asked for the gap to be explained in plain English. Even after the explanation, it was unclear what would be covered by the suggested code. In several cases the plain English description did not match the gap verbiage and example pictures.
- Numerous gaps are subject to interpretation by city staff. Although staff indicate they deal with interpretation of code on a regular basis, history shows this is prone to abuse. One only needs to look at recent problems with non-conforming properties and the tort claims that have been filed against the City of Corvallis as a result of code that is left to the interpretation of code enforcement personnel.
- Several gaps do not relate to neighborhood livability or substandard rental housing. The recommendation to change to the Rental Housing Code came from the OSU/Corvallis collaboration program which was formed to address issues that have been caused by the sharp increase in OSU student enrollment. Logical examples include substandard rental units, impact of rentals on owner occupied properties and the impact of owner occupied properties on rental properties. Somehow this has morphed into a completely different program. How does room size, secondary interior locks on rental and owner occupied properties, inadequate weather stripping in owner occupied properties and interior housekeeping in rental and owner occupied properties impact neighborhood livability? The answer is they don't.

My recommendation is to stick with your original recommendations from the June 4th meeting.

- 1) Work diligently to eliminate the existing backlog of complaints.
- 2) Review and categorize the existing complaints to identify true and meaningful gaps in the existing code.
- 3) Once the complaint backlog is eliminated, add code provisions as needed while ensuring adequate staff to address all complaints in a timely manner.
- 4) Review the program on a yearly basis and demand an acceptable level of performance. Backlogs should not be allowed.

Best Regards,

John Wydronek