

HOUSING CODE NOTE WORTHY AMENDMENTS SUMMARY

The City of Rochester Housing Code has been a customized, locally adopted code for years. The housing code is proposed to be updated to better align with the International Property Maintenance Code (IPMC). The IPMC is an internationally recognized standard that has been vetted at the international level, and allows the City to benchmark ourselves to other communities.

The housing code update has been in the making for over 12 months with feedback being sought from different City departments as well as rental owners and managers through communications with the Rochester Multi Housing Association and other individual property managers/owners when questions arose. The intentions of the housing code update has been communicated to the City Council on at least two occasions in 2021, with the short term rental ordinance being adopted separately in September, 2021.

The City is proposing to adopt the new code in the first quarter of 2022, and delay enforcement until the third quarter of 2022. Thus, all proposed changes would not take effect until September 1, 2022.

TOP FOUR HOUSING CODE IMPACTFUL AMENDMENTS

1. Penalty Fees

Changes to our penalty fees are also proposed as follows:

Penalty Fee Name	Existing Fee	Proposed Fee								
Registration Certificate Late Fees (up to 30 days past due)	An additional 10% of the renewal fee due, up to a maximum of \$30 for one to 30 days past due.	An additional 10% of the renewal fee due, up to a maximum of \$30 for one to 30 days past due.								
Registration Certificate Late Fees (31-60 days past due)	An additional 25% of the renewal fee due, up to a maximum of \$50 after 30 days past due.	An additional 25% of the renewal fee due, up to a maximum of \$50 after 30 days past due.								
Registration Certificate Late Fees (beyond 60 days past due)		An additional 25% of the renewal fee due, up to a maximum of \$50 after 30 days past due.								
Missed Appointment Fee	\$45.00	\$75.00								
Re-Inspection Fee (or third inspection fee)	\$45.00	Properties with 1-4 units re-inspected – \$75								
Renting without a certificate		<p>For new use customers that have no other rental units</p> <ol style="list-style-type: none"> 1. First occurrence written warning 2. Second occurrence- \$250.00 fee 3. Third occurrence- \$500.00 fee 4. Fourth occurrence- City attorney and up to \$1000.00 fine as RCO states <p>For existing customers that do have existing rentals</p> <ol style="list-style-type: none"> 1. First occurrence- \$250.00 fee 2. Second occurrence- \$500.00 fee 3. Third occurrence- City attorney and up to \$1000.00 fine as RCO states 								
Late compliance fee		<p>Fee proposed based on days from renewal date or most recent inspection: whichever is later. Extension requests will be used to consider extenuating circumstances</p> <p><u>Corrections not completed</u></p> <table> <tr> <td>61 days or more</td> <td>\$100.00</td> </tr> <tr> <td>91days or more</td> <td>\$150.00</td> </tr> <tr> <td>121 days or more</td> <td>\$250.00</td> </tr> <tr> <td>151 days or more</td> <td>\$500.00</td> </tr> </table>	61 days or more	\$100.00	91days or more	\$150.00	121 days or more	\$250.00	151 days or more	\$500.00
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151 days or more	\$500.00									

2. Receptacles/Outlets in the Kitchen

The code requires every habitable space to contain at least two separate and remote receptacle outlets to service small appliances on countertop surfaces. This is not currently a requirement in our code. In reviewing this code, we have determined to apply this to kitchens only, as we have found it common in older properties to misuse power strips and extension cords. We have discussed this extensively with our electrical inspectors, plan reviewers, building inspector supervisor, fire marshal, and property managers. This would only affect new use rentals, but largely homes built before 1968, being converted to new rentals. This correction could cost an estimated \$200-\$5,000 to correct, though circumstances could increase the cost.

3. Vacant Building Registry

A vacant building registry is being proposed per Council and community feedback received. A vacant building registry is commonplace among other large cities. The code proposed will allow for our team to add another enforcement tool to our resources to regulate vacant buildings as well as work to encourage reuse of vacant buildings.

For a single-family or two-family residential building, the first-year annual fee shall be \$100; for other residential not exceeding 10,000 square feet, the first-year annual fee shall be \$200; for multifamily residential or commercial buildings exceeding 10,000 square feet, the first-year annual fee shall be \$300. For each year that a building remains a vacant building, the annual registration fee shall increase by the amount of the first-year annual fee, but not to exceed \$500.

The registration fee is intended to at least partially recoup, and shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs of the city in monitoring the vacant building site. The annual registration fee may be waived or held in abeyance for the current year, for new vacant building registrations or upon the anniversary date of the vacancy, if the owner follows through with a written restoration agreement.

Vacant building is defined as a building or portion of a building which is:

1. Unoccupied and unsecured.
2. Unoccupied and secured by other than normal means.
3. Unoccupied and a dangerous structure.
4. Unoccupied and condemned.
5. Unoccupied and has multiple housing or building code violations.
6. Condemned and illegally occupied.
7. Unoccupied for a period of time over three hundred sixty-five (365) days and during which time the enforcement officer has issued an order to correct nuisance conditions.

4. Property Incentive System

After inspection, a property will be scored dependent on the number of violations found, and will result in a one, two, or three-year inspection cycle. The scoring system developed scores for properties depending on their density of units. Scoring is kept confidential from inspectors to avoid bias. Depending on the scoring of the inspection, properties will be granted three years until their next inspection, continue on a biennial schedule, or placed on an annual inspection cycle. The incentive of this is a longer duration between inspections. A pilot of a three-year cycle as the highest incentive is proposed, with the intent to review the outcomes of the incentive system for future adjustments and opportunities to lengthen the incentive. Properties placed on a one-year for scoring highly upon reinspection will be charged a penalty fee of \$75.00 upon determination of the inspection cycle.

Per property manager and owner feedback, the new code will also direct for renewal fees to be due on an annual basis rather than when the property is due for inspection. As such, the rental certificate expiration will align with the renewal fee deadline on an annual basis. A compliant inspection will still be required on the year an inspection is due. Fees will be reduced to half the cost as we move from biennial to annual fees; the change in fees will take place for new use rentals and when a rental is due for renewal:

Fee	Current fees (assessed biennially)	Proposed fees (assessed annually)
Rental Property Registration Certificate Fees (each building)	\$112	\$56
Rental Property Registration Certificate Fees (per unit)	\$37	\$18.50

Housing Code Review Summary

In reviewing the International Property Maintenance Code (IPMC), we found three different considerations: aligns with the IPMC, areas where our code is more clear or flexible, and other areas where the MN state code as an amendment which supersedes other codes. The table demonstrates how the amendments were considered, and a summary of said notable amendments is presented before and after the table.

Housing Code Noteworthy Amendments	IPMC ALIGNMENT	OUR CODE MORE FLEXIBLE	MN CODE APPLIES	NEW PROPOSAL
VIOLATION PENALTIES SECTION 7-3-6 AND 7-3-24	X			X
NONPOTABLE WATER REUSE SYSTEM SECTION 7-5-41	X		X	X
RECEPTACLES/OUTLETS IN THE KITCHEN SECTION 7-7-21	X			X
FIRE SAFETY REQUIREMENTS CHAPTER 7-8	X			
CO DETECTOR LOCATION SECTION 7-8-49 - 7-8-50	X		X	
APPLICABILITY , DEFINITIONS AND FINDINGS SECTION 7-2-3 – 7-2-6 AND 7-1		X		
HEADROOM REQUIREMENTS SECTION 7-3-36			X	
DUTIES OF CODE OFFICIAL CHAPTER 7-3	X			
HANDRAILS AND GUARDS SECTION 7-4-53		X		
OCCUPANCY LIMITATION SECTION 7-5-16 AND 7-5-21		X		
BASEMENT CEILING HEIGHT SECTION 7-5-14			X	
VACANT BUILDING REGISTRY SECTION 7-4-5	X			X
DEFER GROUP HOME INSPECTIONS SECTION 7-4-7				X
PROPERTY INCENTIVE SYSTEM SECTION 7-9-14				X

Violation Penalties

The IPMC guides to adopt violation penalties which state that each day that a violation continues after due notice has been served shall be deemed a separate offense. The City attorney's office notes this is a practice used by other communities and allow us another tool in our enforcement resources to address violations.

Nonpotable Water Reuse System

This proposes to ensure nonpotable water reuse systems are maintained. Nonpotable rainwater catchment systems are not common in Rochester, but this is a trend. Adopting this policy puts us in position to meet changing practices and ensure working systems.

Fire Safety Requirements

Adopting fire safety requirements from the IPMC give us more authority to ensure fire safety maintenance is ensured in rental properties (think ensuring means of egress maintained, assemblies used for fire resistance, fire walls maintained, etc.). A lot of these are items we have always been inspecting, but would refer to a different code. Now the standard is to include in the housing code. Through consulting with Fire Department, the IPMC fire code is very similar to their fire code. Our enforcement supports the Fire Department in focusing their efforts and resources in other settings needing fire inspections.

Carbon Monoxide Detector Location

It is proposed to update our code to confirm the location of carbon monoxide detectors to be 10' from any sleeping unit rather than in every bedroom with some exceptions applying (which is more consistent with residential building code).

Applicability, Definitions, and Findings

We found this portion of our code to be more clear and easier to enforce rather than what the IPMC suggests. As such, we are proposing to continue this portion of our code.

Headroom Requirements

Our headroom requirements are based on the 2020 Minnesota Residential Code, which supersedes the IPMC:

R305.2.2 Minimum stairway headroom, existing buildings. Alterations to existing basement stairways shall have a minimum headroom in all parts of the stairway not less than 6 feet 4 inches (1931 mm) measured vertically from the sloped line adjoining the tread nosing or from the floor surface of the landing or platform on that portion of the stairway.

Exception: Where the nosing's of treads at the side of a flight extend under the edge of a floor opening through which the stair passes, the floor opening shall be allowed to project horizontally into the required headroom a maximum of 43/4 inches (121 mm).

Duties of Code Official

The IPMC proposed section of the duties of the code official is more clear and concise than our own code. This section details how inspection results are communicated, right of entry guidelines, identification requirements, and department records requirements.

Handrails

The handrail requirements spelled out in our current code are clearer, provide more tools to enforce, and align with the International Residential Code. As such, the minimum height requirements and determination of when handrails are required are unchanged.

Occupancy Limitation

The proposed code language in the IPC around occupancy requirements are more stringent and difficult to enforce than our own codes. As such, we propose to continue our current code language around occupancy requirements.

Basement and Ceiling Height

The Minnesota Residential Code has been amended to allow for lower ceiling heights in the basement. As such, our code will be updated to indicate this specification which supersedes the IPC:

Sect. 7-5-14 –Minimum-ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 4 inches (1932 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-half of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

Defer Group Home Inspections

The Olmsted County Public Health department has been working with our team to address concerns of physical conditions observed at group homes, specifically Adult Foster Care Homes in Community Residential Settings per Minnesota Statute. The County inspects these facilities on behalf of the state, and review minimum physical requirements of the facilities. The City and the County had discussions of requiring these facilities to obtain rental certificates to address concerns of physical conditions observed. After holding a meeting with area service providers, the County, and the City, we have since determined to propose language permitting the County to defer inspections to the City for a fee when the County observes a concern in their inspection. This solution prevents us from overregulating these facilities who have track records of compliance but allow us to address concerns which County inspectors may not be as versed in.

The proposed code:

Sect. 7-4-7 – Inspections

The code official shall inspect any premises in the city for the purpose of enforcing and assuring compliance with the provisions of this chapter. Upon the request of the code official, an owner shall provide access to all interior portions of an unoccupied building in order to permit a complete inspection.

The Minnesota Department of Health and acting agency, Olmsted County, shall defer Adult Foster Care Homes in Community Residential Settings to the Community Development department for verification of compliance with Chapter 7 of the R.C.O. Olmsted County reserves the right to defer the inspection to Community Development when a site does not successfully pass the review of 245D.22 Subd. 1 of Minnesota Statute. The Community Development department will assess a \$45 inspection fee for the referral. The Adult Foster Care provider will be required to correct issues within 30 days of notice or be assessed an additional \$45 fee. Corrections not resolved in a timely matter could impact the facility's license with the Minnesota Department of Health.