



CITY OF IOWA CITY COUNCIL ACTION REPORT

December 17, 2019

Ordinance amending Title 17, entitled "Building and Housing," Chapter 5, entitled "Housing Code," to require radon testing and mitigation in single-family and duplex rental units. (Pass & Adopt)

Prepared By: Tracy Hightshoe, NDS Director
Reviewed By: Geoff Fruin, City Manager
Fiscal Impact: No Impact
Recommendations: Staff: Approval
Commission: N/A
Attachments: Ordinance

Executive Summary:

In response to the state legislature prohibiting municipalities from adopting or enforcing any regulation or restriction related to occupancy of residential rental property that is based on familial or nonfamilial relationships, the City adopted multiple housing and zoning code changes to mitigate the destabilizing effects of the legislation. One of the larger code changes was the implementation of a rental permit cap for single family and duplex properties in university impacted neighborhoods.

On April 23, 2019 the state legislature prohibited municipalities from enforcing or adopting rental permit caps. Without the ability to regulate based on familial status or a rental cap in university impacted neighborhoods, the City established a moratorium on single family and duplex rental permits in university neighborhoods that had exceeded the 30% rental cap until March 7, 2020. The moratorium provides an opportunity for the City to study alternate strategies to address three Council goals: 1) Ensure single family detached structures and duplexes provide healthy and safe living environments for all occupants; 2) Maintain neighborhood characteristics and housing options suitable for attracting a diverse demographic in our older single-family neighborhoods; and 3) Prevent the overburdening of city infrastructure and operational resources.

Background / Analysis:

In response to the City's goal to ensure single family detached structures and duplexes provide healthy and safe living environments for all occupants, staff recommends the adoption of a radon ordinance for all detached single family and duplex properties. There are approximately 2,700 single family and duplex properties in Iowa City.

Radon is the number #1 cause of lung cancer among non-smokers. It is a naturally occurring

radioactive gas produced from the decay of radium in the soil. It is odorless and tasteless. Radon typically moves up through cracks and other openings in the foundation. The home then traps the radon inside, where it can lead to increased levels of radon.

All 99 counties of Iowa are in Zone 1, also known as the "red zone" for radon levels - meaning people in these counties have the highest potential for radon in their homes. The average indoor radon concentration in Iowa is more than six times the national average. In the Fall 2019 Blue Cross Blue Shield newsletter, they estimate that 400 deaths per year in Iowa are caused by radon-induced lung cancer, approximately the same number who die in traffic accidents each year.

When an owner-occupied home is listed for sale, it is a common requirement to have the home tested for radon. If that test equals or exceeds the 4 pCi/L level, the purchase is often contingent upon the installation of a radon mitigation system. We see this requirement far less often in the sale of rental properties.

In order to address the health and safety of occupants, staff recommends that prior to issuance or renewal of a rental permit for single family detached and duplex structures, that the unit must be tested for radon. If the unit tests above the 4 pCi/L level, a radon mitigation system must be installed and tested to ensure radon levels remain below this threshold. The radon mitigation system, if required, must be maintained for continued rental permit renewals. For single family, duplex and townhomes built after August 28, 2002, the code requires the installation of a passive radon system at the time of new construction. This makes it less expensive for the owner to install a full mechanical radon abatement system if the home tests high for radon.

Staff is recommending that the owner must test every eight years to verify compliance as radon levels may fluctuate over time, especially if a new HVAC system is installed or significant rehabilitation has taken place.

Staff will be present at the November 19 work session to discuss any questions.

EPA.gov/radon and Iowa Department of Transportation

ATTACHMENTS:

Description

Ordinance

ORDINANCE NO. _____

Ordinance amending Title 17, entitled "Building and Housing," Chapter 5, entitled "Housing Code," to require radon testing and mitigation in single-family and duplex rental units.

Whereas, in December 2017, the City adopted an ordinance (Ordinance No. 17-4769) that capped rental permits at 30% in certain neighborhoods for single-family and duplex uses and in April 2018, the City adopted a neighborhood stabilization ordinance (Ordinance No. 18-4744) and;

Whereas, in April 2019, the State legislature adopted a law (SF 447) that prohibited municipalities from adopting or enforcing rental permit caps; and

Whereas, in May 2019, the City adopted a 10-month rental permit cap moratorium (Ordinance No. 19-4793) on the issuance of new rental permits for single-family and duplex units in areas that exceed the 30% rental cap in order to allow time to explore how best to mitigate the consequences of the State legislation; and

Whereas, the City explored alternative strategies to ensure older homes and duplexes provide healthy and safe living environments for all occupants; maintain neighborhood characteristics and housing options suitable for attracting a diverse demographic in its older single-family neighborhoods; and prevent the over-burdening of City infrastructure and operational resources; and

Whereas, in response to the City's goal to ensure single-family and duplex rental units provide healthy and safe living environments for all occupants, they should be tested for radon, and if the test result is equal to or greater than 4 pCi/L, a radon mitigation system should be installed; and

Whereas, it is in the City's best interest to adopt this ordinance.

Now, therefore, be it ordained by the City Council of the City of Iowa City, Iowa:

Section I. Amendments.

1. Title 17, entitled "Building and Housing," Chapter 5, entitled "Housing Code," Section 18, entitled, "Minimum Structure Standards for All Rental Housing," is amended by adding the following underlined text as new Subsection T:

This provision applies to all applications for new rental permits filed on or after July 1, 2020 and all renewals of rental permits that expire on or after July 1, 2020.

1. All single-family and duplex units shall be tested for radon.
2. Radon test or tested means a test performed by a Radon Measurement Specialist certified by the State of Iowa. Radon mitigation system means a system installed by a Radon Mitigation Specialist certified by the State of Iowa.
3. If the radon test result is less than 4 picoCuries per liter (pCi/L), the unit shall be retested in 8 years unless there is a habitable bedroom in the basement. If the test result is less than 4 picoCuries per liter (pCi/L) and there is a habitable room in the basement, the unit shall be retested in 4 years.
4. If the test result is equal to or greater than 4 picoCuries per liter (pCi/L), a radon mitigation system shall be installed and the unit tested within 90 days, unless the Director or designee provides an extension in writing for good cause. After the radon mitigation system is installed, the unit shall be retested every 8 years thereafter.

5. If the unit has an existing radon mitigation system on July 1, 2020, the unit shall be tested within 8 years of the date the last radon test was performed.
6. Notwithstanding any other provision herein, a prior radon test will be accepted if the radon test was performed within 2 years of the filing of the application for a new rental permit or within 2 years of the expiration of the expired permit. The unit shall be tested within 8 years of the date that the prior radon test was performed.
7. The owner shall provide a copy of all radon test results to the City.

2. Title 17, entitled "Building and Housing," Chapter 5, entitled "Housing Code," Section 19, entitled, "Responsibilities of Owners Relating to the Maintenance and Occupancy of Premises," Subsection N, entitled "Supplied Facilities," is amended by adding the following underlined text:

1. Every facility, utility and piece of equipment required by this code, including a radon mitigation system, and/or present in the unit and/or designated for the exclusive use of the occupants of said unit, at the time that either the rental agreement is signed or possession is given, shall function safely and shall be maintained in proper working condition. Maintenance of facilities, utilities and equipment not required by this code shall be the owner's responsibility unless stated to the contrary in the rental agreement.

2. No supplied facility, including a radon mitigation system, shall be removed, shut off or disconnected from any occupied dwelling unit or rooming unit except for such temporary interruption(s) as may be necessary while actual repairs, replacements or alterations are being made.

Section II. Repealer. All ordinances and parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

Section III. Severability. If any section, provision or part of the Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section IV. Effective Date. This Ordinance shall be in effect after its final passage, approval and publication, as provided by law.

Passed and approved this _____ day of _____, 2019.

Mayor

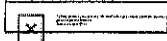
Attest: _____
City Clerk

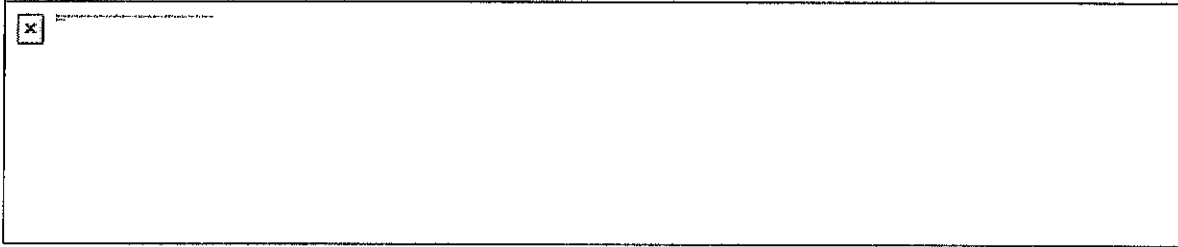
Approved by  11-15-19

City Attorney's Office

Stan Laverman

From: City of Iowa City <CityofIowaCity@public.govdelivery.com>
Sent: Thursday, January 23, 2020 1:31 PM
To: Stan Laverman
Subject: City to require radon testing for all rental single family detached and duplex properties beginning July 1

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FOR IMMEDIATE RELEASE

Date: 01/23/2020

Contact: [Stan Laverman](#), Senior Housing Inspector

Phone: 319-356-5135

City to require radon testing for all rental single family detached and duplex properties beginning July 1

Starting July 1, 2020, The City of Iowa City will begin working with property owners and managers to verify all single family detached and duplex rental properties are tested for hazardous radon levels as a step towards improved public health.

Radon is the No. 1 cause of lung cancer among non-smokers. It is a naturally occurring radioactive gas produced from the decay of radium in the soil. It is odorless, tasteless, and typically moves through cracks and other openings in the foundation of a structure.

The average indoor radon concentration in Iowa is more than six times the national average. Blue Cross/Blue Shield estimates that 400 deaths per-year in Iowa are caused by radon-induced lung cancer, approximately the same number of Iowans who die in traffic accidents each year.

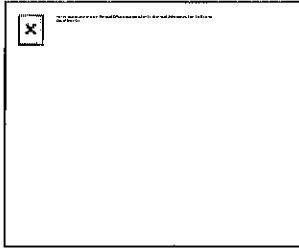
It will take two years to complete the inspection cycle for all single family detached and duplex rental properties in Iowa City. After July 1, 2020, all single family detached and duplex units that become rentals will need to come into compliance with the regulation, as part of the rental inspection process.

To ensure valid testing and confidence in the results, radon testing for these properties will be required to be done by a State licensed, third-party inspector.

Rental properties showing a radon hazard above the federal EPA hazard exposure level of 4 pCi/L (picocuries per liter) will be required to conduct radon mitigation. Radon mitigation systems for rental units in Iowa City will be required to be installed by a Radon Mitigation Specialist certified by the State of Iowa.

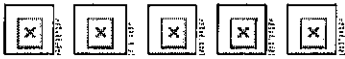
Most rental units will be required to retest for hazardous radon levels every eight years, to ensure continued functionality of the system. Units with bedrooms in the basement will be required to retest these levels every four years.

While not required by the Iowa Housing Code, owner occupied properties are also encouraged to have their properties checked to eliminate exposure to hazardous radon levels.



Questions?
[Contact Us](#)

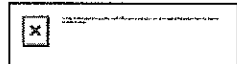
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It will take two years to complete the inspection cycle for all single family detached and duplex rental properties in Iowa City. After July 1, 2020, all aforementioned units that become rentals will need to come into compliance with the regulation, as part of the rental inspection process.

To ensure valid testing and confidence in the results, radon testing for these properties will be required to be done by a State licensed, third-party inspector. Rental properties showing a radon hazard above the federal EPA hazard exposure level of 4 pCi/L (picocuries per liter) will be required to conduct radon mitigation. Radon mitigation systems for rental units in Iowa City will be required to be installed by a Radon Mitigation Specialist certified by the State of Iowa.

Most rental units will be required to retest for hazardous radon levels every eight years, to ensure continued functionality of the system. Units with bedrooms in the basement will be required to retest these levels every four years.

While not required by the Iowa Housing Code, owner occupied properties are also encouraged to have their properties checked to eliminate exposure to hazardous radon levels.

FOR HOUSING INSPECTORS/RADON TESTERS

Over the next two years, Iowa City will be working with the property owners and managers of over 3,600 single family detached and duplex units to verify that they have been tested for hazardous radon levels. The new requirements become effective July 1, 2020.

Radon testing will be required to be completed by an independent, State-licensed, third-party inspector. Classroom training for measurement mitigation in Iowa is facilitated by the Midwest Universities Radon Consortium (MURC) out of the Kansas State University Extension. MURC

announced upcoming Radon Measurement and Mitigation Certification classroom training in March, August, and December of 2020 in Des Moines. Please see <https://radoncourses.com/> or call 833-723-6222 if you're interested in obtaining a State of Iowa certification or need recertification. For more information about how to get certified in Iowa, please visit <http://idph.iowa.gov/radon/get-certified>.

FOR TENANTS OF BUILDINGS THAT WILL BE TESTED

The City of Iowa City recently passed regulations requiring owners of single family detached and duplex rental properties to test for hazardous levels of radon. This regulation will go into effect starting July 1, 2020.

Independent, third-party, State-certified testers will be required to perform the test to ensure proper protocol were followed, and to ensure confidence in the results.

Single family detached and duplex rental units showing a radon hazard above the federal EPA hazardous level of 4pCi/L (picocuries per liter) will be required to conduct radon mitigation. Radon mitigation systems in single family and duplex rental units in Iowa City will be required to be installed by a Radon Mitigation Specialist certified by the State of Iowa.

Most single household and duplex units will be required to retest for hazardous radon levels every eight years to ensure the radon testing system continues to work. Single household and duplex units with bedrooms in the basement will be required to retest for hazardous radon levels every four years.