



## WESTMINSTER

### Staff Report

TO: The Mayor and Members of the City Council

DATE: November 10, 2010

SUBJECT: Study Session Agenda for November 15, 2010

PREPARED BY: J. Brent McFall, City Manager

*Please Note: Study Sessions and Post City Council meetings are open to the public, and individuals are welcome to attend and observe. However, these meetings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.*

Looking ahead to next Monday night's Study Session, the following schedule has been prepared:

*A light dinner will be served in the Council Family Room* 6:00 P.M.

#### CITY COUNCIL REPORTS

1. Report from Mayor (5 minutes)
2. Reports from City Councillors (10 minutes)

SPECIAL WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING 6:30 P.M.

#### PRESENTATIONS

1. Audit Communications Requirements
2. Rental Property Licensing and Fees
3. Proposed 2011 Community Development Block Grant Project and HOME Grant Allocation

#### EXECUTIVE SESSION

None at this time

#### INFORMATION ONLY ITEMS – Does not require action by City Council

1. Bradburn Boulevard/Raleigh Street Realignment – Contact with Property Owners

Additional items may come up between now and Monday night. City Council will be apprised of any changes to the Study Session meeting schedule.

Respectfully submitted,

J. Brent McFall  
City Manager

**WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY  
WESTMINSTER CITY HALL, 4800 W. 92<sup>ND</sup> AVENUE  
MONDAY, November 15, 2010  
7:00 P.M.**

- 1. Roll Call**
- 2. Minutes of Previous Meeting** (October 25, 2010)
- 3. New Business**
  - A. Resolution No. 123 re Acquisition of Lot 8, Block 1, Westminster Mall 2<sup>nd</sup> Amended Plat,  
County of Jefferson, State of Colorado
- 4. Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY  
MONDAY, OCTOBER 25, 2010 AT 7:11 P.M.

ROLL CALL

Present at roll call were Chairperson McNally, Vice Chairperson Dittman, and Board Members Briggs, Kaiser, Lindsey, Major and Winter. Also present were J. Brent McFall, Executive Director, Martin McCullough, Attorney, and Linda Yeager, Secretary.

CONSIDERATION OF MINUTES

Board Member Briggs moved, seconded by Kaiser, to approve the minutes of the meeting of October 11, 2010 with no additions or corrections. The motion carried unanimously.

PUBLIC HEARING ON 3<sup>RD</sup> QUARTER BUDGET AMENDMENT

The Chairperson opened the hearing at 7:12 p.m. The Executive Director reported that the purpose of this hearing was to considering amending the budget with funds available to the Authority that needed to be appropriated, if approved. The Board had no questions. The Chairperson invited public comment. There was none, and she closed the hearing at 7:13 p.m.

RESOLUTION NO. 122 AUTHORIZING 3<sup>RD</sup> QUARTER SUPPLEMENTAL APPROPRIATION

Vice Chairperson Dittman moved, seconded by Kaiser, to adopt Resolution No. 122 authorizing a supplemental appropriation to the 2010 Westminster Economic Development Authority budget and authorizing the use of contingency funds. At roll call, the motion carried with all members voting affirmatively.

ADJOURNMENT

There being no other business to be considered, the meeting adjourned at 7:14 p.m.

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

# WEDA Agenda Item 3 A

## Agenda Memorandum

Westminster Economic Development Authority Meeting  
November 15, 2010



**SUBJECT:** Resolution No. 123 re Acquisition of Lot 8, Block 1, Westminster Mall 2<sup>nd</sup> Amended Plat, County of Jefferson, State of Colorado

**Prepared By:** Susan Grafton, Economic Development Manager

### Recommended Board Action

Adopt Resolution No. 123 authorizing the Executive Director and the Westminster Economic Development Authority's legal counsel to take all necessary actions to acquire Lot 8, Block 1, Westminster Mall 2<sup>nd</sup> Amended Plat, County of Jefferson, State of Colorado, including proceeding with condemnation if necessary.

### Summary Statement

- The property is located on the north side of the Westminster Center Urban Reinvestment Project (WURP) site.
- Staff has been in good faith negotiations for the purchase of this property.
- Adequate funds are available to make this acquisition.

**Expenditure Required:** Not to exceed \$3,000,000

**Source of Funds:** WEDA Capital Project

**Policy Issue**

Should WEDA proceed with the purchase of Lot 8, Block 1, Westminster Mall 2<sup>nd</sup> Amended Plat?

**Alternative**

Delay the acquisition of this property. Staff does not recommend delaying this acquisition since such delay could result in a higher cost of acquisition in the future.

**Background Information**

The acquisition of the above referenced parcel by WEDA will further the goals and objectives of the Westminster Center Urban Renewal Plan. Staff requests the Board's authorization to acquire the property through any legal means, including condemnation if necessary. City Council previously took action to transfer funds from the General Capital Improvement Fund City Center Redevelopment project account into the WEDA WURP account. Adequate funds are available to cover this expense.

Respectfully submitted,



J. Brent McFall  
Executive Director

Attachment - Resolution

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

RESOLUTION NO. 123

INTRODUCED BY BOARD MEMBERS

SERIES OF 2010

---

**ACQUISITION OF PROPERTY FOR THE  
WESTMINSTER CENTER URBAN REINVESTMENT PROJECT**

WHEREAS, the Westminster Economic Development Authority ("WEDA") has determined that it is necessary to acquire certain property for the Westminster Center Urban Reinvestment Project; and  
WHEREAS, WEDA will make an earnest good faith offer of purchase for the subject property;  
and

WHEREAS, a public purpose exists to acquire the property in order to carry out the proposed redevelopment project.

NOW, THEREFORE, the Board of Commissioners of the Westminster Economic Development Authority resolves that:

1. The Executive Director is hereby authorized to establish the minimum just compensation to be offered to acquire the property.
2. The Executive Director is authorized to cause and shall cause good faith negotiations to be initiated to acquire the parcel and interests in property identified below on the basis of the appraised value, or such amount as may seem just and reasonable to facilitate such acquisition without the necessity of condemnation.

**Legal Description**

Lot 8, Block 1, Westminster Mall 2<sup>nd</sup> Addition, County of Jefferson, State of Colorado, excepting therefrom that portion conveyed to the City of Westminster by Deed recorded August 9, 2000 under Reception No. F1097396.

3. The Executive Director is authorized to enter into such contracts and to execute such documents as are necessary to effectuate a voluntary purchase on such reasonable terms as the Executive Director may deem reasonable and prudent; provided; that the Executive Director is authorized to expend an amount not to exceed \$3,000,000.00 for the acquisition of the property.

4. The Attorney of the Authority is authorized to take all necessary legal measures to acquire the property in question, including proceeding with condemnation of the property in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such other or further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceeding required to obtain the property should normal negotiations fail or exceed the time constraints of the overall project.

5. The Executive Director shall be further authorized to incur reasonable costs associated with acquiring the property in question, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property.

6. The Executive Director is hereby authorized to amend the legal description of the property to be acquired, and the nature of the interests to be acquired, as necessary.

PASSED AND ADOPTED this 15th day of November, 2010.

---

Chairperson

ATTEST:

APPROVED AS TO LEGAL FORM:

---

Secretary

---

Attorney for Authority



# WESTMINSTER

## Staff Report

City Council Study Session Meeting  
November 15, 2010



**SUBJECT:** American Institute of Certified Public Accountants (AICPA) Statement on Auditing Standards No. 114, “The Auditor’s Communication with Those Charged with Governance”

**PREPARED BY:** Cherie Sanchez, Accounting Manager

### **Recommended City Council Action:**

Council is requested to hear a presentation on the AICPA’s Statement on Auditing Standards No. 114, “The Auditor’s Communication with Those Charged with Governance,” and to understand the governing body’s responsibility relative to communications with the City’s independent, professional financial audit firm.

### **Summary Statement:**

This report is intended to notify Council about the requirements of the AICPA’s Statement on Auditing Standards No.114, “The Auditor’s Communication with Those Charged with Governance” (SAS 114). Generally, statements on auditing standards establish due process for auditors to follow for audit engagements.

SAS 114 requires formal communication by an auditor to occur at the beginning of an engagement to inform an organization’s governing board about audit plans and at the end of the audit engagement to report results. This communication requirement is intended to encourage two way communications between the auditor and governing board on matters relevant to the audit.

As those charged with governance for the City of Westminster, City Council will be recipients of SAS 114 communications. The results and findings of the City’s annual financial audit have always been communicated to Council by the auditor through a management letter and study session presentation; however, pre-engagement communication is something new.

BKD, LLP, the City’s newly engaged independent, professional audit firm, will be present at the Study Session meeting on Monday, November 15, 2010 to provide Council with an overview of SAS 114 and to distribute the required 2010 pre-engagement audit message. Finance Staff will also be present to answer any related questions that Council may have.

**Expenditure Required:** \$0

**Source of Funds:** NA

**Policy Issue:**

Should the City conduct pre-audit communications between the auditors and City Council?

**Alternative:**

SAS 114 establishes this new communication requirement; therefore, Staff recommends that this step be added to the financial audit process.

**Background Information:**

The American Institute of Certified Public Accountants issued Statement on Auditing Standards No. 114 (SAS 114), “The Auditor’s Communication with Those Charged with Governance,” effective for audits of financial statements beginning on or after December 15, 2006. Statements on auditing standards establish due process for auditors to follow for audit engagements.

SAS 114 formalizes the communication required by an entity’s auditor with persons responsible for overseeing the strategic direction of an entity and its obligations related to the accountability of that entity. As those charged with governance for the City of Westminster, City Council will be recipients of SAS 114 communications.

SAS 114 requires that the City’s auditor communicate with City Council on their responsibilities under generally accepted auditing standards, the planned scope and timing of the audit and significant findings from the audit. SAS 114 also requires that these messages be timely enough to provide for two-way communications between the auditor and City Council.

Planning matters are required to be communicated early on in an audit engagement and results of the audit are required to be communicated as soon as reasonably possible. While the results and findings of the City’s financial audit have always been communicated to Council by the auditor through a management letter and study session presentation, pre-engagement communication is a new piece that has not been undertaken previously.

On November 8, 2010, Council authorized Staff to enter into a contract with BKD for independent, professional auditing services for the City’s annual financial audit for the fiscal year 2010 with an option to renew for four years, subject to annual appropriation. The interim portion of the 2010 annual financial audit will commence on December 6, 2010.

BKD will present the requirements of SAS 114 communication to City Council on Monday night including an overview of the scope and timing of the audit and solicitation for feedback about any risk or other issues Council may be aware of that would be significant to the audit. Finance Staff will also be present to answer any related questions Council may have.

Respectfully submitted,

J. Brent McFall  
City Manager





## Staff Report

City Council Study Session Meeting  
November 15, 2010



**SUBJECT:** Rental Property Proposed Fee Structure and Licensing Program

**PREPARED BY:** Dave Horras, Chief Building Official  
Holly Clayton, Lead Housing Inspector

### **Recommended City Council Action:**

Concur with Staff recommendation to establish a licensing and registration requirement and implement a fee for Rental Property licensing and inspection as part of the Rental Property Maintenance Code. Direct staff to prepare an ordinance amending the current City Code for City Council consideration.

### **Summary Statement:**

Staff is proposing revisions to the Rental Property Maintenance Code that will require licensing for all multi-family rental properties within the City of Westminster with a fee for the license and the required inspection. The existing Rental Property Inspection Program will remain essentially intact, providing for the systematic inspection of all multi-family rental units, with the addition of new requirements for licensing and the assessment of fees. The proposed licensing program and fee structure will help address the following issues:

- Enable the rental housing inspection program to generate revenue from fees to support the existing program.
- Obtaining and maintaining complete ownership information on rental properties to provide for the effective enforcement of the Rental Property Maintenance Program. The owners of the properties are ultimately responsible for the condition and use of their property, but ownership information is not always easily obtained or accurate.

Additionally, it is proposed to establish a registration program for all other residential rental dwelling units within the City of Westminster. The registration program would apply to residential rental dwelling units that are not part of a rental community and not required to be licensed. These properties would not be regularly inspected or pay any fees as part of the registration.

There are also a number of proposed revisions to the Rental Property Maintenance Code itself. These are changes to the technical requirements of the code that will clarify or strengthen parts of the code that staff has identified as problematic in their enforcement.

**Expenditure Required:** \$170,000 – Revenue for new fee

**Source of Funds:** General Fund - Building Division Operating Budget

**Policy Issue:**

Should the Rental Property Maintenance Code be modified to establish a residential rental licensing program with associated license and inspection fees as well as a rental registration program for other residential rental units?

**Alternatives:**

- Do not institute a licensing or registration program and simply charge a fee for the existing systematic inspection program. Staff does not recommend this alternative because it does not help with identification of a responsible party and, without requiring a license, it will be difficult to collect the fees.
- Include all residential rental units in the licensing and fee structure. This alternative would continue the rental inspection program as it is currently established with the addition of the licensing and fee requirements. Staff would continue to inspect the larger rental projects (structures of three or more units) on the systematic inspection program and inspect single-family, duplex, townhome and condominium units based on complaints only. This alternative adds a fee for all rental units even though the individually owned rental units would not be subject to an inspection unless there was a complaint. This alternative would spread the program costs across a larger number of units, lowering the proposed cost to the multi-family units. This alternative is not recommended because of the additional efforts and staff resources needed to assess and collect fees from owners of individually owned, single family detached and duplex rental dwelling units. Additionally, there would likely be a great deal of resistance from the owners of these units to pay a fee for what may be perceived as no realized value or service.
- Establish a lower initial per unit cost for multi-family rental units and assess additional fees if the properties fail inspection. This alternative is not recommended because there would be additional staff resources needed for the additional accounting function. Owners may complain that inspections failed only because the City desired to collect additional revenue.
- Do not implement any licensing or fee structure and discontinue the Rental Property Maintenance program. This is not recommended based on the significant benefit the program delivers in terms of addressing life-safety issues in rental units.

**Background Information:**

The Rental Property Maintenance Code was adopted by Westminster City Council in the fall of 1997. This code was adopted with the intent of addressing the deteriorating condition of residential rental properties in the City of Westminster, particularly in the south Westminster area. The intent of the regulations was to require all owners of rental properties to operate their properties as a business and hold them responsible for the condition, appearance and maintenance of their rental units. Because of staffing levels, the initial scope of the program was limited to systematic inspection of multi-family rental properties with three or more dwelling units. All other rental dwelling units were inspected on a complaint basis. The program was expanded in 2000 when individually owned townhomes and condos were added to the systematic inspection program. Currently 11,000 rental units are being systematically inspected.

In June of 2010, City Council directed staff to retain the Rental Property Inspection Program based on a proposal to charge fees for services associated with the program. A licensing program is the proposed mechanism to establish a way to assess the fees required to support the inspection program.

The proposed licensing program would treat these rental units as businesses, and owners could not operate these businesses without a proper rental license.

The proposed changes to the rental property maintenance program will add a requirement for a rental license with associated licensing and inspection fees for rental properties, which will most commonly be the large-scale, multi-family rental communities. Rental dwellings that are not part of a rental property and not required to obtain a license will be required to be registered. Licensing and registration do not apply to commercial properties, hotels and motels or any state licensed care facilities.

- **Rental Licensing and Fees**

This proposal establishes a licensing requirement with fees but does not change the current systematic inspection process or inspection schedule for the units, defined as “rental properties,” that will still be subject to systematic inspections. A rental license will be required for all rental properties containing more than three rental units under common ownership with a licensing fee for each rental property and an inspection fee assessed for each rental unit within the rental property. It is proposed that there be a \$50 license fee for the property and a \$40 per unit inspection fee that both run concurrent with the established systematic inspection schedule. Inspection of licensed rental properties will be scheduled and conducted as they are currently, not at all or on a two year or four year inspection schedule based on the age of the property. Units less than 6 years old are not inspected as part of the systematic program. Units between 6 and 20 years old are inspected every four years and older units are inspected every 2 years. The per unit inspection fee breaks down to \$1.67 per month based on a two year inspection schedule or \$0.83 per month based on a four year inspection schedule.

The \$50 licensing fee and the proposed \$40 per unit cost were determined based upon the city staff’s administrative costs and the number of units subject to systematic inspection under the proposed program. Based on the anticipated average number of properties and units scheduled for inspection in any given year, the fees were calculated to recover the approximately \$170,000 annual costs of the Rental Property Inspection Program. Currently there are 163 individual rental properties with a total of 10,031 units in the multi-family systematic inspection program. Because of the difference in inspection frequency there is an average of 79 rental properties with a total of 4,089 units scheduled for inspection each year. The proposed fees will generate revenues sufficient to recover the annual costs of the Rental Property Maintenance program.

- **Rental Registration**

All other residential rental units not meeting the definition of “rental properties,” which will typically include single-family detached, duplex and individual townhomes and condominiums, would be required to register with the City but would not require a systematic inspection, and not have to pay licensing or inspection fee. The registration of these units will not expire and will only need to be renewed or modified if there is a change to the owner or manager information.

Registration of these rental dwelling units, like a license, will provide the City with information on the owners and responsible parties if complaints are received. The registration process will also provide an opportunity to share with the owners and managers of these properties information and required standards for their rental units. Registration will help assure that these units can be held to the same standards as all other rental properties while not including them in the systematic inspection program,

and exempting them from any licensing or fee provisions. Inspection of these rental dwellings will be conducted on a complaint basis only.

When these types of units were added to the systemic inspection program in 2000 it generated a great deal of criticism and resistance to the inspection program. Owners and managers of these units generally do not consider them as business operations and many times resist inspection requests. This resistance and the time and effort to contact, schedule and inspect these units make this part of the existing program much less effective than the rest of the systematic inspection program. Additionally, these units tend to have fewer violations than the large-scale, multi-family units typical of “rental properties” because the units are individually owned, often as an investment. Removing these types of units from the systematic inspection program and instead requiring them to be registered will save a great deal of staff time and address many of the owners concerns while still being able to respond to problem properties and hold the owners responsible.

- **Rental Property Maintenance Code Changes**

In addition to the proposed new licensing and registration requirements of Title V, Chapter 12 of the WMC it is proposed to make some modifications to the existing rental Property Maintenance Code (Title XI, Chapter 12 WMC). Most of these proposed changes are minor and will not substantially change the intent or application of the code. However, there are a few changes that are more substantial that City Council should specifically be aware of.

It is proposed to modify the landscaping and site development requirements slightly, establishing an effective date of January 1, 2016 for compliance with existing site improvement standards. The landscaping standards are currently established in the existing code but the application of these standards has not been applied consistently. The proposed changes clarify the requirements and, since they have not been enforced consistently in the past, provide for additional time to bring properties into compliance. If approved, these revised standards will require a substantial investment to some of the more deteriorated rental properties in the City. However, these are the type of rental properties that the code was established to address, those that have a negative effect on the community.

Another proposed change is based on a tenant’s 4<sup>th</sup> Amendment rights and how inspections are scheduled and conducted. Previously, inspectors had entered rental units with management personnel after providing notice to the tenants. It is proposed that an inspection will only be conducted with a tenant’s consent, either written or verbal. If a tenant’s consent is not obtained, staff will have an established procedure to obtain and execute a warrant to conduct the inspection. It is anticipated that a great many of the required inspections will be conducted under the authority of a warrant.

- **Implementation**

Staff proposes that all owners of rental properties be required to file an application for a rental license and pay the \$50 license fee for their rental properties within 60 days of the effective date of the licensing program. The rental license would be set to expire based on the next schedule systematic inspection. Rental dwellings that do not require a license will be required to register with the City on or before March 1, 2011. Registration will consist of filling out an application but will not require a fee or inspection.

Staff has been contacting owners and managers individually to discuss the proposed program. It has been interesting to discover that while most all do not like the idea of having to pay a fee for a license and inspections, many have expressed support for the overall concept of the inspection program and have come to realize the benefits of the program over the years. They have expressed to staff that because the majority of the items discovered during the inspection process are tenant caused the inspection fees will be passed directly along to the tenants in the form of increased monthly rents. However, as noted previously, the monthly charges for the inspections will be less than \$2.00 a month maximum.

With a proposed effective date of January 1, 2011 there will be limited lead time to plan and budget for the program changes. While only about 40% of the city's rental units will be due for inspection over the next twelve months staff plans on working with these owners and managers to allow additional time to pay the required fees. Deferring payments until later in the year will allow owners additional time while still generating the revenues needed to offset the cost of the program. Upon City Council adoption, Staff will work diligently to publicize the changes to the program to assure that impacted businesses and individuals are aware of the changes.

The proposed enhancements to the Rental Property Maintenance Code and the Rental Inspection Program are part of the City's Strategic Plan in a number of ways. The overall goal of the program is to help provide a Safe and Secure Community by maintaining safe buildings and homes as well as the goal to help assure Vibrant Neighborhoods in One Livable Community by maintaining and improving neighborhood infrastructure and housing and by proving a range of quality homes for all stages of life (type, price) throughout the city. The proposal to assess fees fits with the goal of a Financially Sustainable City Government Providing Exceptional Services and the specific objective of focusing on core city services and service levels as a mature city with adequate resources.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment - Ordinance

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 2010

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE CREATING CHAPTER 12 OF TITLE V AND AMENDING CHAPTER 12 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING RENTAL PROPERTY LICENSES AND THE RENTAL PROPERTY MAINTENANCE CODE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title V, W.M.C., is hereby amended BY THE ADDITION OF A NEW CHAPTER 12 to read as follows:

**CHAPTER 12**

**RENTAL PROPERTY LICENSE AND REGISTRATION**

**5-12-1: APPLICATION OF CHAPTER**

**5-12-2: DEFINITIONS**

**5-12-3: LICENSE REQUIRED; RENTAL PROPERTY**

**5-12-4: REGISTRATION REQUIRED; RENTAL DWELLINGS**

**5-12-5: LICENSE APPLICATION; TERM OF LICENSE AND RENEWAL**

**5-12-6: APPLICATION REVIEW**

**5-12-7: LICENSE AND REGISTRATION ADMINISTRATION**

**5-12-8: LICENSE CANCELLATION, SUSPENSION, NON-RENEWAL, OR REVOCATION**

**5-12-9: RULES AND REGULATIONS**

**5-12-1: APPLICATION OF CHAPTER:** As of January 1, 2011, and for the reasons set forth in Title 11, Chapter 12, of the Westminster Municipal Code, it shall be unlawful for any owner in the City to do either of the following:

(A) Lease for occupancy any rental property or portion thereof without first obtaining a rental property license pursuant to this Chapter; or

(B) Lease for occupancy any rental dwelling or portion thereof without first registering the rental dwelling pursuant to this Chapter.

**5-12-2: DEFINITIONS:** For purposes of this Chapter and unless the context clearly indicates otherwise, words, terms and phrases shall have the same meaning assigned to them by Title 11, Chapter 12, of the Westminster Municipal Code, the "Rental Property Maintenance Code."

**5-12-3: LICENSE REQUIRED; RENTAL PROPERTY:**

(A) On or before March 1, 2011, every owner of rental property shall file with the City Manager, acting by and through the Building Division, an application for a rental property license.

(B) A single license may be issued for the entire rental property and all units therein.

(C) A restricted license may be issued or restrictions placed on an existing license for a rental property if there is a portion of the property or certain units that do not comply with the provisions of this Chapter. Restricted licenses shall clearly identify the portion or portions of the rental property or units not in compliance with the provisions of this Chapter, and those portions shall not be rented or occupied until the City, upon reinspection pursuant to Title 11, Chapter 12, of the Westminster Municipal Code, has removed such restriction from the license.

(D) Applications for a license shall be required, and denial, non-renewal, suspension, or revocation of a license shall proceed according to this Chapter. Licensees shall have a duty to report changes as set forth in this Chapter.

**5-12-4: REGISTRATION REQUIRED; RENTAL DWELLING:**

(A) On or before March 1, 2011, every owner of a rental dwelling(s) shall register the rental dwelling(s) with the City Manager, acting by and through the Building Division, according to the application process for licensing outlined in Section 5-12-5 below.

(B) The procedures set forth in Section 5-12-5(A) and (B), Section 5-12-7, and Section 5-12-8 shall apply to registration. However, registration of rental dwellings is performed without the imposition of a fee and no renewal is required.

**5-12-5: LICENSE AND REGISTRATION APPLICATION; TERM OF LICENSE; RENEWAL:**

(A) Application. Applications for a rental property license or a rental dwelling registration shall be submitted in writing on forms furnished by the Building Division and shall provide the following information:

(1) The full name, mailing address, telephone numbers and birth date for the property owner, if the property owner is an individual.

(2) The full names, mailing addresses, telephone numbers and birth dates for the property owner(s) if the property is owned by more than one individual.

(3) The full name, mailing address and birth date of at least one officer, manager or director, if the property owner is a business entity.

(4) An affirmation that the application is complete and contains no false, misleading or fraudulent statements.

(5) An affirmation that the applicant is in good standing for any other permits or licenses granted by the City of Westminster.

(6) An affirmation that each unit of the rental property currently complies with the requirements set forth in the Rental Property Maintenance Code, Title XI, Chapter 12, of the Westminster Municipal Code.

(7) The address of all the unit(s) including individual unit numbers.

(8) The number and type of units (One (1) Bedroom, Two (2) Bedrooms, etc.) within the property.

(9) The age of the property, calculated from the date of issuance of the building's certificate of occupancy.

(10) For every rental property or rental dwelling, an owner or agent shall reside or operate within fifty (50) miles of the property. If an owner does not reside or operate within a fifty (50) mile radius of the property, the owner shall appoint an agent meeting these requirements.

(B) Notices given to an agent designated by an owner pursuant to this Chapter shall be sufficient to satisfy any requirement of notice to the owner.

(C) Term. License terms for rental properties shall be as follows:

(1) Rental properties less than six (6) years old, shall have a license term of up to the time they turn six (6) years old.

(2) Rental properties between six (6) and twenty (20) years old, shall have a license term of every four (4) years.

(3) Rental properties older than twenty (20) years old shall have a license term of every two (2) years.

(4) Upon adoption of this Chapter, the term of the initial license shall be determined by the age of the rental property and the existing City inspection schedule, as set forth in Title XI, Chapter 12, of the Westminster Municipal Code. License renewal shall take place at the time of the next regularly scheduled inspection following adoption of this Chapter.

(D) The owner or agent shall maintain the license on site and produce it upon request. Posting of the license at the rental property is not required.

(E) Renewal. Approximately sixty (60) days prior to the license expiration, the Building Division shall send the owner a notice of renewal. Applications for renewal licenses shall proceed as follows:

(1) Submit a license application as required by Section 5-12-5.

(2) Pay inspection fees as required by Section 5-12-6.

(3) Schedule the rental property inspection with the Building Division.

(4) Upon payment of the inspection fee, completion of the inspection and possible subsequent reinspections, and with the property in full compliance, a license shall be renewed for the term identified in Section 5-12-5(C) unless the Building Division reduces or increases the term of a license as permitted by Title XI, Chapter 12, of the Westminster Municipal Code. No scheduled inspection shall be extended more than two (2) years for any property and no inspection schedule shall exceed six (6) years between inspections.

(5) Renewal of a license may be denied pursuant to Section 5-12-8 of this Chapter.

**5-12-6: APPLICATION REVIEW:**

(A) Applications for rental property license and for rental dwelling registration shall be filed with the Building Division for review and approval or denial by the City Manager or authorized representative.



(B) Fees. Applicants for a new rental property license shall pay a licensing fee of \$50.00 upon submission of a license application and shall pay a rental inspection fee of \$40.00 per unit prior to the next regularly scheduled inspection, which fee amounts may be amended by subsequent resolution of City Council. Registration of rental dwellings is performed without the imposition of a fee and no renewal is required.

(C) Standards for review and approval. A license or registration application may be denied by the Building Division for any of the reasons set forth in Section 5-1-6 of the Westminster Municipal Code.

(D) Appeal right. The denial of license or registration application may be appealed pursuant to the procedures established in Chapter 1 of this Title V.

(E) Terms and conditions. As a condition of licensing and registration, an owner of rental property or of a rental dwelling shall cooperate in the inspection of the property according to the procedure outlined in Title XI, Chapter 12, of the Westminster Municipal Code.

(F) Effective date. A rental property license or rental dwelling registration shall be effective as of the date indicated in the notice provided by the City.

**5-12-7: LICENSE AND REGISTRATION ADMINISTRATION:**

(A) It shall be the duty of each owner of a rental property or a rental dwelling to provide the Building Division with notice of changes as follows:

(1) If an owner or agent legally changes the use of a structure by adding units, the owner or agent shall provide notice of the change to the Building Division no later than sixty (60) days following issuance of the certificate of occupancy for the new units and before any new units are occupied. At the time of giving notice, there shall be no additional fee assessed for the units that were added to the structure; however, when the license is next renewed the inspection fee will include the additional units.

(2) If an owner reduces the number of units within the rental property or a rental dwelling, the owner or agent shall provide notice of the change to the Building Division no later than sixty (60) days following completion of the change. The owner or agent shall not be entitled to a refund of any fee previously paid.

(3) For newly constructed property, inspections to determine compliance with the provisions of this Chapter and the associated fees are not required prior to issuance of the initial license if a license application is submitted no later than sixty (60) days following issuance of the certificate of occupancy for the rental property.

(4) The Building Division must be promptly notified, in writing, within thirty (30) days of any changes to the information provided on the license or registration application; except that the Building Division shall be notified in writing within fifteen (15) days after the change of an agent for a property and shall provide the name and mailing address of the new agent.

(B) A license or registration is non-transferable. Within thirty (30) days of the transfer of ownership of a rental property or a rental dwelling, the new owner shall submit a new license or registration application.

(C) Violation and Penalty. It shall be unlawful for any person to violate a provision of this Chapter or to obstruct an inspection being conducted pursuant to Title XI, Chapter 12, of the Westminster

Code. Violators shall be subject to the penalties provided by Section 1-8-1 of this Code and the procedures set forth in Chapter 1 of this Title V. A separate offense shall be deemed committed upon each day such person is in violation of this Chapter.

**5-12-8: LICENSE CANCELLATION, SUSPENSION, NON-RENEWAL, OR REVOCATION:**

(A) A license or registration may be cancelled, suspended, revoked or non-renewed as set forth in Chapter 1 of this Title V, and any such adverse action may be appealed pursuant to the procedures established in Chapter 1 of this Title V.

(B) In rental properties containing multiple units, upon issuance of a restricted license according to Section 5-12-3(C), a revocation, suspension, denial or non-renewal may apply to any portion or portions of the property.

(C) In addition to the process set forth in Chapter 1 of this Title V, a license or registration may be summarily suspended for no more than thirty (30) days by the Building Division when required for the immediate protection of the public health, safety and welfare. Notice of the summary suspension shall be given in the manner set forth in Chapter 1 of this Title V, and a hearing thereon before the Special Permit and License Board shall be provided as soon as reasonably possible thereafter.

(D) All hearings before the Special Permit and License Board shall be conducted pursuant to the procedures established for hearings in Chapter 1 of this Title V.

**5-12-9: RULES AND REGULATIONS:** The City Manager or authorized representative is authorized to promulgate rules and regulations necessary for the implementation of this Chapter.

Section 2. Title XI, Chapter 12, W.M.C., is hereby REPEALED AND REENACTED to read as follows:

**CHAPTER 12**

**RENTAL PROPERTY MAINTENANCE CODE**

**11-12-1: GENERAL INTENT**

**11-12-2: MINIMUM STANDARDS**

**11-12-3: DEFINITIONS**

**11-12-4: SPACE AND OCCUPANCY STANDARDS**

**11-12-5: FIRE PROTECTION**

**11-12-6: EXTERIOR MAINTENANCE AND ACCESSORIES**

**11-12-7: SITE MAINTENANCE**

**11-12-8: VACANT OR ABANDONED BUILDINGS**

**11-12-9: LICENSE REQUIRED; RENTAL PROPERTY**

**11-12-10: REGISTRATION REQUIRED; RENTAL DWELLINGS**

**11-12-11: INSPECTIONS**

**11-12-12: INSPECTION PROCEDURES**

**11-12-13: NOTICE OF NON-COMPLIANCE; INSPECTION REPORT**

**11-12-14: UNLAWFUL CONDUCT; PUBLIC NUISANCE**

**11-12-15: ENFORCEMENT**

**11-12-16: APPEAL**

**11-12-17: REMEDIES**

**11-12-18: IMMINENT DANGER**

### **11-12-1: GENERAL INTENT:**

(A) Title. These regulations shall be known as the Rental Property Maintenance Code of the City of Westminster, herein referred to as "this Code."

(B) Purpose. The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use and occupancy, location, and maintenance of all residential structures available for rent within the City of Westminster. This Code establishes minimum standards for basic equipment and facilities, for light, ventilation and heating; for safety from fire; for the use and amount of space for human occupancy; and for the safe and sanitary maintenance of residential rental properties.

(C) Scope. The provisions of this Code shall apply to all existing residential rental buildings, and structures, excluding manufactured homes, and all existing premises, or portions thereof used, designed, or intended to be used for dwelling purposes on a rental basis as well as the site, including parking lots, driveways and landscaping, and accessory structures, such as fences, retaining walls, sheds, and other such structures. Rooming houses, congregate residences or lodging houses shall comply with all the requirements of this Code. Except as provided herein, properties, including buildings, or portions thereof, equipment, devices and safeguards, which were required by the building code shall be maintained in conformance with the building code under which they were installed, provided such continued use is not dangerous to life. Where there are conflicts between the building code and this Code, the provisions of this Code shall apply.

(D) Non-Conforming Rights. Except for smoke detectors and carbon monoxide alarms as required by Sections 11-12-5(B) and 11-12-5(C), of the Westminster Municipal Code, existing residential rental units that were constructed and approved under a previous edition of the building code shall be considered as demonstrating compliance with the construction provisions of this Code, provided that the approved construction is not dangerous to life or health. Nothing in this Code shall be construed to allow the degradation of those systems, devices and equipment required by the building code under which the building was constructed.

**11-12-2: MINIMUM STANDARDS:** No person shall lease to another for occupancy any structure that does not comply with the requirements of this Code. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of compliance as required herein.

### **11-12-3: DEFINITIONS:**

(A) The following words, terms and phrases, when used in this Code, shall have the following meanings unless the context clearly indicates otherwise:

(1) "Agent" shall mean a manager or operator, or any person, agent, firm or corporation who is designated in writing by the owner to act as the representative of the owner on issues related to a rental property or rental dwelling or for receipt of notices related to a rental property or rental dwelling.

(2) "Bedroom" shall mean any room or space used or intended to be used for sleeping purposes.

(3) "Building" shall mean any structure used or intended for supporting or sheltering any use or occupancy.

(4) "Building code" shall mean any of the codes currently adopted by the City as part of Title XI, Chapter 9, of the Westminster Municipal Code.

(5) “Common authority” shall mean the status of having joint access or control over a leased premise for most purposes.

(6) “Floor area” shall mean the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.

(7) “Habitable space” shall mean the space in a building for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable space.

(8) “Imminent danger” shall mean a condition that could cause serious or life-threatening injury or death at any time.

(9) “Infestation” shall mean the presence within or around a structure of insects, rodents, vermin or other pests of such kind, or in such numbers, as to cause a hazard to health.

(10) “Lease” shall mean:

(a) an agreement by which an owner gives up to a tenant, for valuable consideration, possession and use of his property or a portion thereof for a definite term, at the end of which term the owner has an absolute right to retake control and use of the property; or

(b) the act of an owner giving to a tenant, for valuable consideration, possession and use of his property or a portion thereof for a definite term, at the end of which term the owner has an absolute right to retake control and use of the property.

(11) “Occupancy” shall mean the purpose for which a building or portion thereof is utilized or occupied.

(12) “Owner” shall mean any person, agent, firm or corporation, or a designated representative of the same, having a legal or equitable interest in a rental dwelling or a rental property; or otherwise having control of such property, including the guardian of an estate and an executor or administrator of an estate when ordered to take possession of real property by a court.

(13) “Person” shall mean any individual, partnership, corporation, association, or other type of entity capable of owning or managing property, or an agent, servant, or employee of any individual, partnership, corporation, association, or other entity capable of owning or managing property.

(14) “Premises” shall mean a lot, plot or parcel of land including any buildings thereon.

(15) “Property” shall mean one lot or adjacent lots under common ownership.

(16) “Rental dwelling” shall mean any building or buildings, or portion thereof, on a property under common ownership consisting of no more than three units that provides shelter for human habitation or residential purpose, any portion of which is leased by the owner for occupation by a tenant. “Rental dwelling” shall not mean hotels, motels, hospitals, State licensed residential care facilities, assisted living facilities or nursing homes.

(17) “Rental property” shall mean any building or buildings, or portion thereof, on one property under common ownership consisting of more than three units that provides shelter for

human habitation or residential purposes, any portion of which is leased by the owner for occupation by a tenant. "Rental property" shall not mean hotels, motels, hospitals, State licensed residential care facilities, assisted living facilities or nursing homes.

(18) "Structure" shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(19) "Tenant" shall mean a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof.

(20) "Unit" shall mean a rental property or a rental dwelling, in whole or in part, that is separately available to be leased and that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by the building code.

(B) Words, terms and phrases used in this Code and not defined above shall have the same meaning as assigned by the building codes currently adopted by the City in Title XI, Chapter 9, of the Westminster Municipal Code.

#### **11-12-4: SPACE AND OCCUPANCY STANDARDS:**

(A) Improper Occupancy. Buildings or structures shall not be used for purposes other than those for which the building or structure was designed or intended or in violation of any other provisions of the Westminster City Code or ordinances.

(B) Room Dimensions.

(1) Ceiling Heights. Habitable rooms in units shall have a ceiling height of not less than seven (7) feet. In rooms with sloped ceilings, the required ceiling height shall be provided in at least 50% of the room. No portion of any room with a ceiling height of less than 5 feet shall be considered as contributing to the minimum floor area as required in subsection (2) below.

(2) Floor Area.

(a) Every unit shall contain at least one hundred fifty (150) square feet of habitable floor space for the first occupant and an additional one hundred (100) square feet of floor space for each additional occupant. Every room used for sleeping purposes shall have at least seventy (70) square feet of floor space for the first occupant and an additional thirty (30) square feet of floor space for each additional occupant.

(b) The Building Official may waive or modify the above-stated minimums in appropriate circumstances such as the birth or adoption of additional children, a temporary need for medical care for a family member, or care of children by a non-custodial parent.

(3) Width. No room used for living or sleeping purposes shall be less than 7 feet in any dimension. Each toilet shall be installed in a clear space of at least 27 inches in width.

(C) Light and Ventilation.

(1) General. For the purpose of determining light or ventilation required by this Section, any room may be considered as a portion of an adjoining room if one half of the common wall is open and unobstructed and provides an opening of at least 10% of the floor area of the interior room.

(2) Light. Every habitable room within a unit shall be provided with windows or skylights with an area of at least 10% of the floor area. All public hallways, stairways and other exit ways shall be illuminated at all times with not less than 5 footcandles at the floor level.

(3) Ventilation.

(a) Habitable rooms within a unit shall be provided with natural ventilation by means of at least one openable exterior window or skylight with an area of not less than 1/20 of the floor area with a minimum of 5 square feet.

(b) In lieu of required exterior openings for natural ventilation, an approved mechanical ventilation system may be provided. Such system shall be capable of providing two air changes per hour in all habitable rooms and public hallways. In such case, one fifth of the required air supply shall be taken from the outside.

(c) Bathrooms, water closet compartments and similar spaces shall be provided with natural ventilation by means of openable exterior openings with an area not less than 1/20 of the floor area of such rooms with a minimum of 1 1/2 square feet.

(d) In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub or shower and similar rooms, mechanical ventilation system connected directly to the exterior capable of providing five air changes per hour shall be provided. The point of discharge of exhaust containing only a toilet or lavatory or combination thereof, and similar rooms may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

(D) Sanitation.

(1) Units. Every unit shall be provided with a toilet, lavatory, and either a bathtub or shower. These facilities shall be located within the same building as the occupants and occupants shall not be required to go outside the building or through another dwelling unit to reach the facilities.

(2) Fixtures. All plumbing fixtures and piping shall be maintained as provided in the building code. Each plumbing fixture shall be provided with hot and cold running water necessary for its normal operation and be properly connected to an approved water and sewer system. Plumbing system waste piping shall be maintained free of all sewage obstructions and leaks. Potable water piping shall be free of leaks that cause a consistent flow of water. All plumbing fixtures shall be of smooth, impervious, easily cleanable surfaces and be maintained in safe and sanitary working condition, free of cracks, breaks, rust and leaks. All plumbing fixtures shall be of an approved glazed earthenware type or similar nonabsorbent material. All plumbing fixtures shall be adequately secured so that no strain is placed on the piping connections.

(3) Lavatory Basins. Every room containing a toilet shall have a lavatory located in the same room or in the room immediately adjacent to the room containing the toilet. Laundry tubs, kitchen sinks, or bathtubs are not acceptable substitutes for lavatory purposes.

(4) Room Separation. Every room containing a toilet, bathtub or shower shall be completely enclosed by partitions, doors, or windows from floor to ceiling and wall to wall which will afford privacy to the occupant.

(5) Bathtub and Shower Enclosures. The interior of every shower enclosure shall be watertight, maintained in sound condition, and be easily cleanable. Walls and floors of every shower enclosure shall be made of smooth, non-absorbent materials free of sharp edges and

properly sloped to drain completely. Joints in any bathtub or shower enclosure shall be maintained waterproof with caulking or similar material. Repairs shall be required if more than two square feet of the enclosure wall or floor is no longer waterproof or more than two linear feet of caulking has failed or if the leak is causing an unsafe electrical condition.

(6) Kitchen Sink. Every unit shall contain a kitchen sink of seamless construction and impervious to water and grease. Where garbage disposals are provided, they shall be in working order, free of leaks, installed per manufacturer installation instructions and powered by a UL listed power cord.

(7) Openings for Piping. All exterior openings into the interior of the building, including those in a crawl space, provided for the passage of piping shall be properly sealed with snug fitting collars of metal or other material so as to be rodent and insect resistant and securely fastened in place.

(8) Environmental Health. All surfaces in and around the dwelling unit shall be maintained free of mold and mildew.

(E) Structural Requirements.

(1) General. Roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, all other structural components, and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they may be normally subjected, and shall be kept in sound condition and in good repair.

(2) Foundations. Every foundation shall be maintained plumb and free of open cracks and breaks, kept in sound condition and good repair, and shall be weathertight and watertight.

(3) Weather Protection. Every foundation, floor, roof, ceiling, and exterior and interior wall and all exterior doors and windows shall be weathertight and watertight and maintained free of holes, cracks or other defects that admit rain so as to provide shelter for the occupants against the elements and to otherwise exclude dampness. Windows that are designed to open vertically shall be capable of remaining open without the use of tools, props or special knowledge.

(4) Interior Maintenance. Floors, walls doors and ceilings shall be secure and free of holes, cracks, and breaks. Floor coverings shall be free from any defects that could cause tripping or would prevent the floor from being easily cleaned. Floor coverings such as carpeting, tile, linoleum, and similar material shall be repaired or replaced when more than 10% of the floor covering area is severely deteriorated or if defects create an unsafe or unsanitary condition. Floor coverings that have tears in excess of six inches that are raised above the floor surface to present a tripping hazard shall be repaired.

(5) Drainage. All rain water shall be so drained and conveyed away from every roof and away from every foundation so as to not cause dampness in basements or in walls, ceilings or floors of any building, or erosion of exterior surfaces. Water shall not be discharged in a manner that adversely affects the safety of the general public.

(F) Mechanical Requirements.

(1) Heating.

(a) Every unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68° F at a point 3 feet (3') above the floor in all habitable rooms, bathrooms, and water closet compartments. Units shall be supplied with heat

during the period of October through April. Electric heating appliances that are not permanently installed, cooking appliances of any type, or decorative appliances shall not be considered heating facilities for the purpose of providing heat as required by this Section. Unvented fuel-burning heaters or decorative appliances are not permitted except as permitted and approved by the Building Division.

(b) All heating devices or appliances shall be of an approved type and installed as required in the building code and maintained in safe working condition. Required clearances to protected or unprotected combustible materials shall be maintained for heating equipment as well as sufficient clearance to permit the cleaning, maintenance, service and repair of the appliance. Required clearances are those listed on the equipment or otherwise required by the building code. Venting systems for gas-fired appliances shall be maintained in accordance with the building code.

(c) Except within an efficiency dwelling unit, gas-fired water heaters shall not be installed in any sleeping area. Water heating equipment serving any dwelling unit shall be capable of providing water at a temperature of at least 120o F at the fixture outlet and a recovery capacity of at least twenty gallons per hour for each dwelling unit. Water heaters shall be provided with an approved temperature and pressure relief valve and drain extension that terminates at an approved location.

(d) Closets containing heating equipment shall be kept free of stored items, combustibles, flammables or accelerants.

## (2) Electrical.

(a) All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with the building code. All electrical equipment shall be permanently installed and be an integral part of the electrical wiring of the entire building. Electrical appliance or fixture cords shall be protected with proper coverings having no frayed or exposed wiring.

(b) Every habitable room, bathroom, kitchen, laundry room and public hallway shall have at least two convenience outlets or one convenience outlet and one electric light fixture. Every water closet compartment, furnace room and public stairway shall contain at least one electric light fixture. Electrical light fixtures should house only those bulbs approved by the manufacturer. Wattage of bulbs shall not exceed the manufacturer's maximum wattage recommendations for the fixture. Exterior fixtures shall be free of missing or broken globes that may leave the bulb exposed to the elements.

(c) Breaker panels shall be readily accessible, shall not be blocked or covered by storage or decoration, and shall not be painted shut. There shall be no unapproved openings within any electrical enclosure.

(3) Extension Cords. Extension cords shall not be used as permanent electrical wiring or required electrical outlets. No extension cords shall extend or pass from one room to another room. No extension cord shall be placed across any doorway, through any wall or partition, or in an area where such cord is subject to physical damage.

## (G) Exits.

(1) General. All buildings or structures shall be provided with exits, including stairways, handrails, and guardrails, and have access to the public way as required by the building code. All doors, windows, corridors, stairways, fire escapes or other means of egress shall be maintained free



of stored or discarded materials or other obstructions or locks as to prevent or impede egress from the building or structure.

(2) Dwelling Units. Every unit or guest room shall have access directly to the exterior of the building or to a public corridor that leads to the exterior. Sleeping rooms located below the fourth story and in basements shall have at least one operable window or exterior door meeting the building code requirements for emergency escape or rescue. These required windows or doors shall be operable from the inside to provide the required full clear opening without the use of separate tools or keys and not requiring special knowledge or effort.

(H) Appliances. Appliances whether supplied by the owner or tenant, shall be maintained in good working condition, free of leaks or other defects so as not to cause any unsafe or unsanitary condition.

#### **11-12-5: FIRE PROTECTION:**

(A) General. Required fire rated assemblies shall be maintained as specified in the building code and the fire code adopted in Title XI, Chapter 10, of the Westminster Municipal Code. Such assemblies shall be properly repaired, restored, or replaced when damaged, altered, breached, penetrated, removed or improperly installed. Fire protection equipment, including but not limited to extinguishing systems, fire alarm systems, smoke detectors, and fire extinguishers, shall be maintained in good and safe working condition as required by the Fire Department.

(B) Smoke Detectors. Smoke detectors shall be installed in all units as required by the building codes.

(C) Carbon Monoxide Alarms. Any unit that includes fuel-fired appliances or an attached garage in which interior alterations, repairs, fuel-fired appliance replacement or additions, any of which requires a building permit to be issued, have been made, or any unit that has a change in tenant or occupancy, shall have carbon monoxide alarms installed as required by the building code.

(D) Open Flame Cooking Devices. Open flame cooking devices shall be regulated as required by the provisions of the building code and the fire code adopted in Title XI, Chapter 10, of the Westminster Municipal Code

#### **11-12-6: EXTERIOR MAINTENANCE AND ACCESSORIES:**

(A) Weather protection. Buildings, or portions thereof, shall have exterior walls that are weathertight and watertight, and kept free of deterioration, holes, breaks, or loose boards or coverings. Roof surfaces shall be watertight and not have any defects that that will allow water to enter into the structure.

(B) Exterior maintenance.

(1) The exterior finish of all structures shall be maintained. If the exterior finish of a structure is paint or stain, the structure shall be painted or stained prior to a time when the exterior finish has substantially deteriorated. Graffiti shall be removed per Title VIII, Chapter 4, of the Westminster Municipal Code.

(2) All architectural projections such as cornices, moldings, lintels, sills and similar projections shall be maintained in good repair and free of defects.

(3) All chimneys, antennae (including satellite dishes), vents, gutters and downspouts and similar projections or building accessories shall be structurally sound and in good repair. Such projections shall be properly secured, when applicable, to an exterior wall or roof.

(C) Windows and doors. Windows and exterior glazing shall be soundly and adequately glazed, free from loose and broken glass and cracks that could cause physical injury or allow the elements to enter the structure. Windows and doors are to be maintained so that they can be secured in a closed position. Exterior doors shall be maintained weathertight, watertight and rodentproof. Exterior doors of unit shall be solid core or equivalent and be provided with a deadbolt locking device that tightly secures the door. Where window mounted cooling appliances are utilized, the opening around the appliance must be sealed with materials resistant to weather.

(D) Screens. Screens shall be provided, year round, for all operable windows. All screens, including screen doors, shall be maintained in good repair and free from tears, holes, or other imperfections of either screen or frame that would admit insects such as flies, flying insects or mosquitoes. Screens with holes one square inch or larger or with tears in excess of two inches shall be repaired or replaced. Screens shall not be damaged or warped, shall fit tight in the framework of the window, and be removable for cleaning and maintenance purposes. Sliding screen doors are required wherever sliding glass doors are present.

(E) Infestation. All structures and exterior property shall be maintained free of rodent, insect or vermin infestation which creates an unsafe or unsanitary environment on the subject, or adjacent buildings or properties. All structures and exterior property shall be maintained free of conditions which may cause an unsafe or unsanitary environment.

(F) Addresses. Address numbers a minimum of 3" in height shall be provided on every occupied building or structure located so as to be visible from the street. Individual units within a building or structure shall be individually identified. Address numbers shall be of a contrasting color to their background for easy visibility.

(G) Accessory Structures. All accessory structures shall be maintained in a state of good repair or removed from the site. Such structures shall include, but not be limited to, clubhouses, offices, maintenance buildings, carports, retaining walls, fences, garages, and miscellaneous sheds or structures. These structures should be constructed of materials consistent for the use of the structure and not constructed in a makeshift or haphazard manner.

#### **11-12-7: SITE MAINTENANCE:**

(A) General. The accumulation of weeds, vegetation, junk (including, but not be limited to, abandoned, unused or nonoperational appliances, equipment, vehicles, machinery, or household furnishings), dead organic matter, debris, garbage, stagnant water, combustible materials or similar materials or conditions shall be subject to the provisions of Title VIII, Chapter 1 of the Westminster Municipal Code and shall be subject to abatement provisions therein.

(B) Parking Areas. By January 1, 2016, all off street parking and access drives shall be improved with asphalt pavement or an equivalent approved surface as determined by the City. Parking areas shall be kept free from potholes, cracks or other deterioration. No dirt, grass or sod parking areas are allowed. All striping and signage, including parking signage and fire lane or access signage shall be maintained in good condition and clearly legible.

(C) Landscaping.

(1) All landscape areas, improvements and materials shall comply with and be maintained according to the City of Westminster Landscape Regulations and the

Westminster Municipal Code. All landscape areas shall be landscaped with approved landscaping, including grass, shrubs, and trees. All landscape areas shall be maintained and all dead or severely damaged plant materials shall be replaced with plant materials as required by the City of Westminster Landscape Regulations. All turf areas shall be maintained so that no turf area exceeds 6 (six) inches in height. Weeds shall not exceed twelve (12) inches in height. Landscape areas may not include tree canopy, dirt, weeds, artificial turf or paving and drive improvements. Properties with an existing Official Development Plan shall be maintained as required by such plan.

(2) By January 1, 2016, rental dwellings shall be required to have one (1) tree and three (3) shrubs in the front yard landscape area. As required by the City of Westminster Landscape Regulations, a minimum of fifty percent (50%) of each yard area adjacent to a street, or public or private park or open space shall be landscape area. Remaining lot area not landscape area may only be paving or drives as defined in the City of Westminster Standards and Specifications for the Construction of Public Improvements.

(3) By January 1, 2016, rental properties shall be required to have one (1) tree and three (3) shrubs per 1,000 square feet of landscape area. A minimum of thirty percent (30%) of the lot shall be landscape area as defined by the City of Westminster Landscape Regulations, unless an exception is made by the City for good cause. Remaining lot area not landscape area may only be paving or drives as defined in the City of Westminster Standards and Specifications for the Construction of Public Improvements.

(D) Trash. Trash enclosures shall be installed and maintained as required by the Westminster Municipal Code. All trash shall be kept inside the enclosure. Oversized trash that will not fit within the trash enclosure shall be removed from the property as required by Westminster Municipal Code.

**11-12-8: VACANT OR ABANDONED BUILDINGS:**

(A) Vacant or abandoned buildings shall be secured to prevent unauthorized entry.

(B) Exterior building maintenance and site maintenance of abandoned or vacant buildings shall be the same as required for occupied buildings.

(C) Vacant or abandoned buildings and properties shall be maintained free of accumulations of combustible or hazardous material.

**11-12-9: LICENSE REQUIRED; RENTAL PROPERTY:** Prior to leasing any rental property for occupancy, an owner shall obtain and maintain in good standing a rental property license from the City pursuant to Title V, Chapter 12, of the Westminster Municipal Code.

**11-12-10: REGISTRATION REQUIRED; RENTAL DWELLINGS:** Prior to leasing any rental dwelling for occupancy, an owner shall obtain and maintain in good standing a rental dwelling registration with the City pursuant to Title V, Chapter 12, of the Westminster Municipal Code.

**11-12-11: INSPECTIONS:**

(A) General.

(1) The City Manager, acting by and through the Building Division, shall establish a regular and orderly schedule to inspect all rental property within the City. Such schedule shall not preclude inspection of a rental property at other times based on a request of a resident, owner or manager, or other complainant.

(2) Rental dwellings shall be inspected by the City on a complaint basis or as conditions warrant with no regular inspection schedule.

(3) Any violations shall be documented and a photographic record may be made of the property or of any violations discovered on the property.

(B) Right of Entry.

(1) When necessary to make an inspection for compliance with the provisions of this Code as part of scheduled inspections, or when the City has probable cause to believe that there exists upon any premises any condition that constitutes a violation of the provisions of this Code, the City Manager or authorized representative, hereinafter referred to as the "Inspector," may enter a premise at all reasonable times to inspect or to perform any duty imposed on him, provided that the following procedure has been followed:

(a) If a premise is currently leased, the Inspector shall first present proper credentials and request permission to enter from a tenant or other person having common authority over the premise. If the leased premise is currently unoccupied, the Inspector shall make a reasonable effort to locate the tenant, and upon locating the tenant, shall present proper credentials and request permission to enter. If a tenant or other person having common authority over the premise cannot be located after a reasonable effort, a notice of intent to inspect shall be posted on the premises giving notice that an inspection may proceed after a court order is obtained from the Municipal Judge of the City.

(b) If a premise is not currently leased, the Inspector shall present proper credentials and request permission to enter from the owner or agent. If the owner or agent cannot be located after a reasonable effort, a notice of intent to inspect shall be posted on the premises giving notice that an inspection may proceed upon issuance of a court order by a Municipal Judge of the City.

(2) If entry is refused, or twenty-four (24) hours after the premises have been posted, the Inspector may appear before the Municipal Judge and, upon a showing of probable cause, or upon a showing that the inspection is part of the systematic schedule of inspections that is a condition of licensing a rental property, shall request a court order entitling the Inspector to enter upon the premises. Upon presentation of the court order and proper credentials, or possession of same in the case of unoccupied premises, the Inspector may enter upon the premises, using such reasonable force as may be necessary to gain entry.

(3) For purposes of this Subsection, "probable cause" exists where the facts and circumstances within the Inspector's knowledge are sufficient to warrant a person of reasonable caution in the belief that a violation of this Code may exist. The Inspector shall not be required to demonstrate specific knowledge of the condition of the particular premises in issue in order to obtain a court order.

(C) Unlawful Resistance. It shall be unlawful for any owner, tenant, or person having common authority of a rental property or rental dwelling to deny entry of an Inspector acting pursuant to a court order that has been issued according to the procedure outlined in this Section.

## **11-12-12: INSPECTION PROCEDURES:**

(A) Authority. The City Manager, acting by and through the Building Division, may inspect rental properties and rental dwellings, individual units thereof, and their associated properties, in order to determine compliance with the provisions of this Code.

(B) Scheduled Inspections of Rental Properties.

(1) The frequency of inspections on rental properties shall be as follows:

(a) Properties less than six (6) years old shall not be scheduled for inspection.

(b) Properties between six (6) and twenty (20) years old shall be inspected every four (4) years.

(c) Properties older than twenty (20) years shall be inspected every two (2) years.

(2) Inspections may be increased in frequency upon a determination that violations of this Code, revealed during an inspection, individually or in combination, demonstrate a failure to maintain the rental property in a decent, safe, and sanitary condition.

(3) Inspections may be decreased in frequency based on satisfactory results of the latest inspection of the entire rental property; however, a modification of the scheduled inspection schedule shall not be extended more than two (2) years for any property and no inspection schedule shall exceed six (6) years between inspections.

(4) Any rental property may be inspected at any time due to complaints or as conditions warrant.

(C) Notification prior to Inspections. It shall be the responsibility of the owner or agent to notify the individual tenants of the property of the scheduled inspection and to request that permission for the City to enter the premises be granted at the time of the inspection, by a tenant or person with common authority over the premise, either in person or in writing. Without such express permission to enter a unit scheduled for inspection, the City shall not proceed to inspect and shall instead obtain a court order according to the process outlined in Section 11-12-11(B). In addition to the right of entry process set forth in Section 11-12-11(B) above, regular inspections may be preceded by the following notice:

(1) A letter of intent to inspect a property based on the systematic inspection schedule mailed to the owner or agent of the property stating the proposed date and time of the inspection and given a minimum of thirty (30) days before inspection.

(2) Notice to the owner or agent at least seven (7) days in advance of the scheduled inspection to verify the time and date.

(3) If it is necessary for the City to cancel a scheduled inspection, it may send a cancellation notice to the owner or agent of the effected property at least three (3) days prior to the scheduled inspection date.

(D) Inspections of Rental Dwellings. Inspection of rental dwellings shall be on a complaint basis or as conditions warrant with no regular inspection schedule and shall proceed according to the process for right of entry set forth in Section 11-12-11(B).

### **11-12-13: NOTICE OF NON-COMPLIANCE; INSPECTION REPORT:**

(A) When the City determines that non-compliance with this Code exists, a notice of non-compliance and order to correct shall be issued. The notice of non-compliance shall be in writing and shall describe the violation with sufficient detail for it to be properly addressed and corrected. The notice of non-compliance shall provide a reasonable time for correction, no less than seven (7) and no more than ninety (90) days.

(B) Inspection Report. A report of inspection results, including notice of non-compliance, if any, shall be sent to the property owner or agent within ten (10) days of completion of an inspection.

(1) The inspection report shall include the results of the inspection, the period of time for correction of any non-compliant conditions, and the scheduled reinspection date and time.

(2) An inspection report containing only satisfactory results with no notice of non-compliance need not be personally served and may be mailed to the owner or agent at the address currently on file with the City as part of the licensing or registering of the property pursuant to Title V, Chapter 12, of Westminster Municipal Code.

(C) Any notice of non-compliance and order to correct and any inspection report containing a notice of non-compliance and order to correct shall be served by one of the following methods:

(1) Personally upon the owner or agent, in which case service shall be deemed complete on the date such service occurs.

(2) Notice posted on the premises and mailed to the owner or agent at the address currently on file with the City as part of the licensing or registering of the property pursuant to Title V, Chapter 12, of Westminster Municipal Code. Service by this method shall be deemed complete three days after mailing and posting, even if no acknowledgment of receipt is provided.

(D) Reinspections. Reinspections may be conducted to verify that the violations identified in a notice of non-compliance have been corrected. Violations that were not noted during the initial inspection but are discovered on the reinspection shall not be subject to correction as part of the initial notice of non-compliance, but may result in the issuance of an additional notice of non-compliance. Imminent hazards identified on a reinspection shall be subject to the provisions of Section 11-12-18.

(E) Owner Certification for Corrections. The City may accept written affirmation from the owner or agent confirming correction of any or all violations documented in the formal notice of non-compliance.

(F) Reinspection Fees. A reinspection fee may be assessed for each follow-up inspection required after the initial reinspection due to an owner's failure to correct satisfactorily the identified violations. For each follow-up inspection required after the initial reinspection a reinspection fee of \$ 50.00 per unit and common area may be assessed, which fee amount may be amended by subsequent resolution of City Council. Reinspection fees not paid in full within thirty (30) days of assessment shall constitute a lien on the property and shall be recorded as such with the County Clerk.

(G) Extensions. If an owner cannot complete the required corrective action in the time set forth in the notice of non-compliance, the owner or agent may request an extension to the completion date, which may be granted upon a determination that substantial progress is being made to correct the violation(s). Such request shall be made in writing and shall contain the reasons that an extension is necessary and the requested length of extension. A request for extension shall be made no less than

three (3) days prior to a scheduled reinspection or the required completion date, whichever is earlier.

(H) No Show Fees: If an owner or agent fails to attend an inspection or reinspection, fails to request a timely extension, or fails to provide notice to tenants of the City's request for permission to enter, a no-show fee of \$ 50.00 per missed appointment may be assessed. The fee amount may be amended by subsequent resolution of City Council.

**11-12-14: UNLAWFUL CONDUCT; PUBLIC NUISANCE:**

(A) It shall be unlawful for any owner or agent to lease or to allow the use, maintenance, or occupancy of any residential dwelling or residential property that does not comply with the requirements of this Code.

(B) Securing Structures. Any residential dwelling or residential property that is abandoned or uninhabited and is dilapidated, deteriorated or has become a place frequented by trespassers or transients or has otherwise been declared as a hazard shall be deemed a public nuisance.

(C) The City Manager or authorized representative is hereby deemed a peace officer for the limited purpose of enforcing the provisions of this Code, and shall have the power to issue complaints and summons for violations of these provisions, pursuant to Rule 206, Municipal Court Rules of Procedure, and Section 1-22-18 of the Westminster Municipal Code.

(D) Any person found guilty of violating any of the provisions of this Code shall, upon conviction thereof, be punished by a fine or imprisonment or both, pursuant to Section 1-8-1 of the Westminster Municipal Code. Each day that a violation of any of the provisions of this Code continues to exist shall be deemed to be a separate and distinct violation.

(E) A violation of any of the provisions of this Code is hereby declared to be a public nuisance, and may be abated according to the procedures established in Title 8, Chapter 4, of the Westminster Municipal Code for the abatement of nuisances.

(F) In addition to all other penalties available, a violation of the provisions of this Code may result in an action to revoke or suspend a rental property license or a rental dwelling registration according to the process set forth in Title V, Chapter 12, of the Westminster Municipal Code.

**11-12-15: ENFORCEMENT:** If, after notice and order to correct, an owner, fails to timely correct the violation and fails to timely appeal the notice and order, the City Manager or authorized representative may issue a complaint and summons for prosecution in Municipal Court or for abatement as a nuisance.

**11-12-16: APPEAL:**

(A) An owner may appeal a notice of non-compliance and order to correct to the Board of Building Code appeals. Any such appeal shall be filed in writing with the City Manager within thirty (30) days of the date of service of the notice of non-compliance.

(B) The Board of Building Code Appeals shall hear the appeal within a reasonable time. Procedure for the hearing shall be as established in Title II, Chapter 10, of Westminster Municipal Code. Compliance with a notice of non-compliance shall be stayed until the Board has met and issued its decision.

(C) Any appeal of the decision of the Board shall be made to the District Court.

The appellant shall pay for the costs of preparing a transcript and other expenses of preparation of the record of hearing before the Board.

**11-12-17: REMEDIES:** Recovery of Costs. The cost of enforcement proceedings together with the cost of abatement, if so ordered, shall be assessed in any judgment rendered. If the costs identified are not paid they shall constitute a lien upon the property.

**11-12-18: IMMINENT DANGER:**

(A) If any structure, premise or portion thereof is found to present an imminent hazard to life or health, the premises shall be posted and the property shall be ordered vacated. Upon order to vacate, the property, or portion thereof, shall be posted as "Dangerous, Do Not Occupy" and written notification of the violations that deem the property, or portion thereof, as an imminent hazard shall be served as required in Section 11-12-13(C).

(B) It shall be unlawful for any person to remove or deface the posted notice, or to occupy the property or to enter the structure except for the purpose of repair. The violations identified as causing the property or portion thereof, to be an imminent hazard shall be corrected and reinspected before the posting is removed and the property, or portion thereof, is reoccupied.

(C) The owner or agent may appeal the order to vacate to the Board of Building Code Appeals, in the same manner as stated in Section 11-12-16, except that the duty to comply with the order to vacate shall not be stayed pending a hearing.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2010.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney's Office





WESTMINSTER

## Staff Report

City Council Study Session Meeting  
November 15, 2010



**SUBJECT:** Proposed 2011 Community Development Block Grant Project And HOME Grant Allocation

**PREPARED BY:** Vicky Bunsen, Community Development Programs Coordinator

### **Recommended City Council Action:**

Review Staff recommendations and direct Staff to prepare an agenda memo for City Council to approve allocations of CDBG and HOME grants in 2011 from the U.S. Department of Housing & Urban Development.

### **Summary Statement:**

Staff recommends that the 2011 grants from the U.S. Department of Housing and Urban Development be allocated as follows:

CDBG Program Administration:	\$120,000
Emergency & Minor Home Repair:	\$50,000
Bradburn Realignment:	\$430,000
HOME Program Administration	\$20,000
HOME Housing Rehabilitation	\$50,000
HOME New Development Fund	\$150,000

**Expenditure Required:** \$820,000 (estimate)

**Source of Funds:** Community Development Block Grant (\$600,000 – estimate)  
Home Funds (\$220,000)

**Policy Issue:** Should the City Council allocate the CDBG and HOME funds in 2011 as recommended in this staff report?

**Alternative:**

1. The Council may choose to not accept the funds. Staff recommends that such an alternative not be considered as the CDBG and HOME funds have provided benefits to Westminster residents and have provided needed funds for capital projects and other critical programs.
2. Council may choose to allocate the funds in a different manner. Staff believes the allocations identified in this agenda memorandum will serve Westminster residents well, meeting a number of critical needs in the community.

**Background Information:**

The purpose of this staff report is to review with City Council the possible allocations for the 2011 Community Development Block Grant (CDBG) and HOME funding, as well as review future goals that could be funded with CDBG.

Current CDBG Projects

In 2010, City Council directed that the CDBG grant be allocated as follows:

Program Administration (salaries):	\$120,998
Emergency & Minor Home Repairs:	\$ 50,000
Bradburn Boulevard Realignment:	\$433,993
<b>TOTAL</b>	<b>\$604,991</b>

The Emergency & Minor Home Repair program is starting this fall and Staff recommends that a similar level of CDBG funding be allocated in 2011. There is ample demand for this service by homeowners who are struggling to maintain their homes on fixed or reduced incomes. Recipients of these small grants (not to exceed \$5,000) have incomes at or below 80% of area median income.

The Bradburn Boulevard Realignment project will realign Bradburn so that it intersects 72<sup>nd</sup> Avenue at the traffic signal at Raleigh Street. This accomplishes several goals including reconstruction of an aging culvert where Little Dry Creek passes under 72<sup>nd</sup> Avenue, increasing traffic safety by moving Bradburn Boulevard to a signalized intersection and away from a hill that has limited sight distance, facilitating better access to the new Westminster High School, and providing improved connectivity between neighborhoods north and south of 72<sup>nd</sup> Avenue. 2010 CDBG funds have been spent on preliminary design and costs related to right-of-way acquisition. Unspent funds are currently available for property acquisitions that are being negotiated.

The Engineering Division successfully applied for a grant from the State's Off-System Bridge Program, gaining \$1,100,000 that will be available in 2013 to rebuild the culvert/bridge where 72<sup>nd</sup> Avenue crosses Little Dry Creek. This realignment and crossing reconstruction cannot be built in phases, but will need to be built all at once, starting in 2013 or as soon as feasible thereafter, depending on funding. It is not possible to accumulate sufficient CDBG funds to pay for the entire project due to the HUD requirement that the City spend down its grant so that no more than 150% of an annual grant is on hand. The recently approved 2011-2015 City Capital Improvement Program

(CIP) includes the following CIP funds for this project: 2013 - \$300,000, 2014 - \$350,000, \$2015 - \$300,000. While the total cost of this project is not yet known, Staff anticipates that additional funds will be needed for this project.

Public Comment

Public comment on use of CDBG in 2011 was solicited several ways. Notices were published in Weekly Edition in September and October, as well as on the City website. A survey was distributed at the south Westminster Progressive Homeowners Association meeting in September. This resulted in one email from a longtime homeowner with a disabled spouse. They needed home rehab services and modifications to accommodate a wheelchair. They were directed to the home rehab program at Adams County (funded by City HOME allocation), Brothers Redevelopment Inc. and Rebuilding Together, all of which help with some home maintenance and repair as well as accessibility projects. The City’s minor home repair program was not yet available to offer to them.

The Progressive HOA meeting produced 19 completed surveys. A year ago, the two projects that rated highest were the concept of realigning Bradburn Boulevard to join Raleigh Street (which is currently being designed) and the proposed Grange-Rodeo addition and improvements. The Bradburn project was the subject of more discussion last year because of the opening of the new high school and the need for improved traffic circulation. This year, the Bradburn realignment project was rated of medium importance, while the Grange-Rodeo project (19 out of 19) and adjacent outdoor space (18 out of 19) was rated high by almost all participants. Pursuing additional streetscape improvements on Bradburn and other neighborhood streets was also rated high. Here is a summary of the results:

**2011-2015 CDBG Funds Survey  
Progressive HOA September Meeting  
Summary of Surveys (19 Participants)**

Project Proposals & Ideas:	Level of Importance:				
	High	Medium	Neutral	Low	None
Bradburn Realignment	1	10	2	6	
Bradburn Streetscape	5	10	3	1	
Grange/Rodeo Addition	19				
Harris Town Park (Rodeo outdoor space)	18	1			
Minor Home Repair	6	10	2	1	
Other Streetscapes	10	7	2		
Other (write-in):					
Light Rail @ 70 <sup>th</sup> & Irving	4				
Buy properties that are for sale on 73 <sup>rd</sup> for future development	1				

Planning for the Future Expenditure of CDBG Funds

It is recommended that near-term CDBG funding be allocated similarly to 2010: to program administration, emergency and minor home repair, and the Bradburn Boulevard realignment project. In 2011, CDBG can be used to complete final construction documents for the Bradburn Boulevard realignment project.

If sufficient funding can be identified to finish the Bradburn project in 2013, then the 2012 and 2013 CDBG grants could be applied toward that project (not more than two years of CDBG can be accumulated toward a project because of the 150% limit on CDBG money in reserve).

If other sources of funding are not available to allow the 2012-2013 CDBG grants to be used for the Bradburn project, CDBG funds in those years could be directed toward construction documents for the Grange-Rodeo improvements, the Harris Park outdoor area associated with the Rodeo Market, or streetscape projects in south Westminster. CDBG funding can be directed back to the Bradburn project when it is ready to be built.

#### Use of HOME Funds

The City receives an annual allocation of HOME money through Adams County. In recent years, the annual grant of about \$220,000 has been divided between major home rehabilitation for low-income homeowners and down-payment assistance for homebuyers. Ten percent of the grant is kept by Adams County for program administration.

There has been little demand for the down-payment assistance funded by HOME money. There are other types of down-payment assistance programs offered through several organizations, including the Colorado Housing and Finance Authority (CHFA), Community Resources & Housing Development Corporation (CRHDC), which is headquartered in Westminster, and Adams County Housing Authority (ACHA). It is recommended that the City not use HOME funds to offer down-payment assistance in 2011.

The City has directed about \$100,000 annually to fund home rehabilitation projects. It is recommended that this allocation be reduced to \$50,000 because the City is now offering \$50,000 in CDBG money to fund minor home repairs. The combination of these two amounts would total \$100,000 with one-half earmarked for small projects that cannot be completed with HOME funds, due to various regulations associated with that program.

It is recommended that \$150,000 of the City's HOME allocation be reserved as a new development fund. This type of funding is needed for upcoming projects, including ACHA's land acquisition for affordable rental housing in the south Westminster TOD area and Growing Home's desire to acquire more property on Newton Street for affordable and transitional housing.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment: Bradburn Boulevard Realignment Plan



**Bradburn Boulevard Realignment Plan**



# WESTMINSTER

## Staff Report

Information Only Staff Report  
November 15, 2010



**SUBJECT:** Bradburn Boulevard/Raleigh Street Realignment—Contact with Property Owners

**PREPARED BY:** Stephen C. Baumann, Assistant City Engineer

### **Summary Statement:**

This report is for City Council information only and requires no action by City Council.

Several years ago, a planning study was prepared for 72<sup>nd</sup> Avenue and included a recommendation for a realignment of Bradburn Boulevard at its intersection with 72<sup>nd</sup> Avenue. More recently, City Council approved a contract for preliminary engineering with the Jacobs Engineering Group to explore the costs and feasibility of combining this realignment with the need to replace the bridge carrying 72<sup>nd</sup> Avenue over Little Dry Creek. The preliminary engineering effort would benefit from the City's consultants having access to several properties that would be affected by the future improvements for the purposes of surveying and locating utilities. City staff intends to facilitate this permission by initiating contact with those owners in the near future.

### **Background Information:**

In 2008, City Council approved a contract for the preparation of a planning study for the 72<sup>nd</sup> Avenue corridor between Lowell Boulevard and Utica Street. The study took a technical look at desirable and necessary upgrades to facilities in the corridor given the significant changes that can reasonably be expected in South Westminster in the future. These changes include the Regional Transportation District's (RTD) FasTracks project and the transit-oriented-development that is being promoted in conjunction with it.

The corridor also contains facilities nearing the end of their useful life, with the box culvert that carries 72<sup>nd</sup> Avenue over Little Dry Creek being a good example. That structure has a sufficiency rating of under 10 (on a scale of 100) according to the most recent report from the State of Colorado's Off-System Bridge Inspection Program. In 2009, the City submitted an application and received approval of \$1.1 million in grant funding from that program in 2013 to be applied toward replacement costs. Since the planning study also recommends realigning Bradburn Boulevard from its present intersection with 72<sup>nd</sup> Avenue to a location at Raleigh Street and the Little Dry Creek crossing, a project to consider the realignment in conjunction with the structure replacement was conceived. City Council approved a contract with Jacobs Engineering Group for preliminary design engineering and cost estimating for that project in August 2010.

The preliminary engineering effort would benefit from the Jacobs Group being able to access the several properties that would be affected by the realignment. In particular, three properties (see attached map) along existing Bradburn Boulevard should be visited by surveyors to collect information on property boundaries and utility facilities. City staff would intend to make contact with the owners in late November or early December 2010 to familiarize them with this potential project and coordinate the access permissions. Though the public is generally aware of the planning study and the realignment concept by virtue of the various contract approvals by Council, budget hearings,

Staff Report – Bradburn Boulevard/Raleigh Street Realignment

November 15, 2010

Page 2

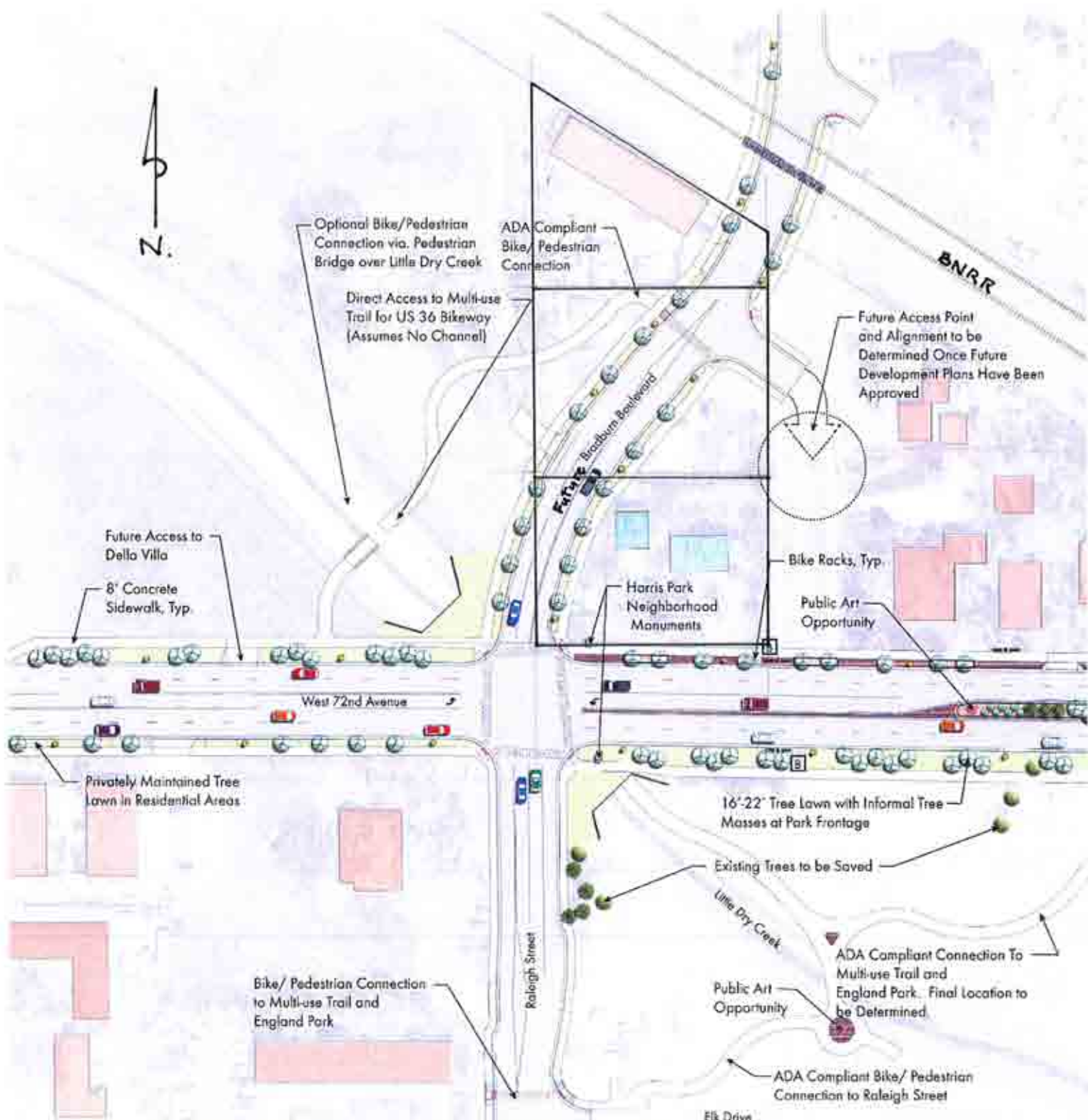
and visits by Council members and staff with neighborhood organizations and the like, these particular owners may not know about the potential project. City Council may hear from these property owners as a result of this proposed contact.

Respectfully submitted,

J. Brent McFall

City Manager

Attachment (Map-excerpt from Planning Study)



**EXCERPT FROM DECEMBER 2009 PLANNING STUDY**