

## Chapter 12 Article VIII - City of Oelwein, Iowa, Rental Housing Inspection Program

### Sections:

#### Section 12-300 - Title for citation.

This chapter shall be known as the "City of Oelwein, Iowa, Rental Housing Inspection Program," and shall be cited as such, and will be referred to herein as "this chapter."

#### Section 12-302 - Purpose of provisions.

The purpose of this chapter is to provide for the inspection of residential rental properties within the corporate limits of the City of Oelwein, Iowa, in order to ensure that such properties conform to minimum standards deemed necessary for the protection of the health and safety of the occupants thereof and the occupants of surrounding properties, and to inhibit the spread of urban blight.

#### Section 12-304 - Definitions.

For the purpose of this chapter, certain terms and words are defined. Words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; and the word "shall" is mandatory, the word "may" is permissive.

1. "DWELLING UNIT" One or more rooms, designed, occupied or intended for occupancy as a separate living quarter.
2. "RENTAL PROPERTY" Any structure that includes a dwelling unit that is being held out or offered for rent or is currently being let for rent and occupied by any person who is not the owner of the premises, except that the following properties shall not be regarded as rental properties under this chapter:
  - a. Dwellings owned by the local, state, or federal governments.
  - b. Hotels, as defined by Chapter 137 of the Iowa Code.
    - a. For the purpose of this code, bed and breakfast, and rentals less than 30 days shall be considered hotels
  - c. Dormitory rooms of higher education institutions.
  - d. Nursing homes, long-term care, and medical care facilities.
3. "RENTAL UNIT" One dwelling unit within a rental property. If a common area and facilities are provided in a dwelling for the use of the occupants of units therein, such common area and facilities shall constitute a part of each rental unit for the purpose of inspection and compliance with this chapter.
4. "RENT" Any form of payment, including but not limited to cash, services, or other valuable considerations, provided as a condition of occupying a dwelling not owned by the occupant.
5. "OWNER" Person(s) listed as the deed holder as recorded at the Mahaska County Assessor's Office.
6. "OWNER'S REPRESENTATIVE" A person who is appointed by a rental property owner to provide access to the Inspector to the owner's rental property. The representative must have keys for all portions of the rental property, must be authorized to act on behalf of the owner concerning compliance with the requirements of this chapter, and must be at least 18 years of age.

7. "INSPECTOR" The person(s) designated by the City of Oelwein City Administrator to conduct the inspections of rental properties and units for this program. The City of Oelwein may contract with an outside entity to conduct these inspection services.
8. "TENANT" Person(s) or family occupying a dwelling unit for rent. Not more than one family or four unrelated persons may occupy a dwelling unit.

#### Section 12-306 - Registration requirement.

All rental properties and rental units within the corporate limits of the City of Oelwein shall be registered with the City annually by the owner or the owner's representative. The owner or owner's representative shall file a completed registration form (as provided by the City) with the City on or before March 1 of each fiscal year, accompanied by a fee as established by resolution of council.

By registering rental properties and/or rental units, the property owner consents to the City of Oelwein inspector entering and conducting an inspection, as described in Section 12-308. The registration process shall be conducted in accordance with the City of Oelwein's Rental Housing Inspection Program Administrative Policy.

#### Section 12-308- Rental inspection.

Each rental property and rental unit shall be inspected by the designated inspector at a frequency stated in the Rental Housing Inspection Program Administrative Policy. The inspections will be conducted to confirm compliance with regulations set forth in Oelwein Municipal Code, Chapter 25. Inspections will be conducted in accordance with the City of Oelwein's Rental Housing Inspection Program Administrative Policy and in accordance with all state and federal laws pertaining to tenant rights and notification requirements.

#### Section 12-310 - Fees.

All fees associated with this Rental Housing Inspection program shall be established by resolution of the council.

#### Section 12-312 - Contact information.

All rental properties shall have the name and contact information of the property owner and/or the property owner's representative clearly and visibly posted for tenants.

#### Section 12-314 - Violations.

Rental properties and/or rental units that fail to comply with this chapter, shall be referred to the city building official and attorney for prosecution as a municipal infraction. Failure to comply with this chapter, including but not limited to failure to register a property, may result in the revocation of a certificate of occupancy and/or a requirement to vacate the property.

#### Section 12-316 - Appeals process.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means