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07/08/2019

Oelwein Rental Housing Inspection Administrative Policy

The City of Oelwein has established a Rental Housing Inspection Program on first of March 2019 for the purpose of providing safe and sanitary housing conditions for the residents of Oelwein by establishing minimum standards and ongoing inspections for all rental housing units in Oelwein registered properties will be inspected on a regular basis. At this time the program includes a once every three-year inspection of all rental units by the city.

The authorization to carry out this program are set out in the Oelwein Municipal Code, Chapter 12 which authorizes inspections of rental properties in order to enforce regulations. This policy outlines the administrative guidelines to implement and organize the program.

Definitions

1. **Dwelling Unit**- One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household, in accordance with Oelwein Municipal Code Chapter 25.
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/or occupied by any person who is not the owner of the premises, except that the following properties shall not be regarded as rental properties:
 - a. Dwellings owned by the local, state, or federal governments.
 - b. Hotels, as defined by Chapter 137 of the Iowa Code.
 - c. Dormitory rooms of higher education institutions.
 - d. Nursing homes or 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 rental housing inspection program.
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 (Landlord)** - Person(s) listed as the deed holder as recorded at the Fayette County Assessor's Office.
6. **Owner's Representative (Property Manager)** - A person who is appointed by a rental property owner to provide access to a City 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 the Rental Housing Inspection Program, and must be at least 18 years of age.

7. **Inspector-** The City of Oelwein Building Officer or his/her designee charged with conducting the inspections of rental properties and units for this program.
8. **Major Violation-** A violation of the rental housing code that if left as is would constitute an immediate threat to the life and/or safety of those living in the home (Examples could include: lack of or damaged water heater, boiler, or furnace flue; smoke detectors which are missing, inoperable, or are improperly placed; storage of flammable liquids in a dwelling; electrical cords, wiring, or equipment that has begun to fail due to being overloaded or damaged).
9. **Tenant-** Person(s) means a person over the age of one year, corporation, partnership or group, not the legal owner of record, occupying a building or portion thereof as a unit.
10. **No Show-** When the owner of the structure or any other responsible adult designated by the owner do not attend the scheduled inspection.

Rental Property Registration

All rental units in the City of Oelwein shall be registered on an annual basis as outlined in Chapter 25 of the Oelwein Municipal Code. Annual registration shall be required to be able to provide and ensure that the City has the most current contact and ownership information. At registration, the owner or owner's representative shall be required to attest that the rental unit(s) meets building regulations identified in Oelwein Municipal Code, Chapter 25. Additionally, by filing a registration form with the City, the owner is granting its consent to an inspection of the rental property by the City for the purpose of determining compliance with this Rental Housing Inspection Program.

Registration of new and/or converted property or properties which changes ownership shall be completed within thirty (30) days of such activity. Registration forms shall be provided, and records maintained by the City of Oelwein.

The property owner shall be responsible for renewal rental registration by March 1 annually, at which time the registration fee is due. Properties not registered by March 1 shall be considered non-compliant with this Rental Housing Inspection Program and may be subject to penalties described in the Violations section below.

In addition, city staff will monitor utility billing signups for rental units or properties and compare their known rental units and/or properties with those records in the Building Inspector's office to ensure that accurate records are maintained in both areas. The owners of rental units and /or properties that are determined to be unregistered shall be contacted by certified letter, which will provide them with a registration form. Property owners will have thirty (30) calendar days to register their rental property, failure to do so shall be considered non-compliant with this Rental Housing Inspection Program and may be subject to penalties described in the Violations section below.

The fees will be determined by the city's fee schedule for the first unit and an additional charge for each additional unit each year, and shall be paid by the owner or owner's representative at the time of registration. Failure to pay the rental registration fee by March 1 shall result in a penalty per day per rental property. The City of Oelwein shall send a past due notice and reminder to the property owner by March 8 by certified mail for any rental units or property(s) that are not yet paid by that date providing notice that they are past due and payment must be received by April 1 or they will be considered non-compliant to this rental inspection program. A non-compliant property may have its Certificate of Occupancy

revoked and/or the owner may be prosecuted for municipal infractions, as described in Oelwein Municipal Code, Chapter 25 and in the Violations section below. A receipt of registration will be provided to the property owner or owner's representative at the time of registration.

Transfer of Ownership

Rental property that is transferred from one owner to a different owner shall have thirty (30) calendar days in which to re-register the rental units or property(s) under the new owner's name. No refunds shall be given to property owners for a partial year's registration. Additionally, provided that the new owner registers the rental units in their name within thirty (30) calendar days of the transfer of ownership they shall not be required to pay a second registration fee.

Rental Units Out of Service

Should an owner desire to take his/her rental unit or property out of service for a minimum of sixty (60) days they may file with the City a written notice of the rental unit or property being taken out of service. While the unit is taken out of service they shall not rent or allow anyone to live within the rental unit or property until such time as the unit is re-registered with the City of Oelwein.

Once the rental unit or property is registered with the City the owner shall pay a new rental registration fee and the property shall be inspected within sixty (60) calendar days of being re-registered.

Inspection Schedule

All rental properties shall be inspected at least once every three (3) years. Inspection scheduling shall be provided by the Community Development office or designee, including follow up inspections.

Newly registered rental properties shall be inspected within six (6) months of the property being registered with the City. Subsequent inspection shall be in accordance with the standard scheduling process outlined previously.

As this Rental Inspection Program begins implementation in 2019, it will take significant time to work through the initial inspection of all rental properties in Oelwein. Likely, it will take substantially more time than the six (6) months after registration stated above. In order to provide a systematic method, staff shall select properties for inspection in the following order:

The city will be divided into thirds with 1/3 of the rentals being inspected each year. The following guidelines will serve as the boundaries outlining the city for rental inspections.

- 2019- Northwest section of Oelwein with the southern boundary being 4th ST SW and the eastern boundary being Frederick Ave
- 2020-North East section of Oelwein with the western border being Frederick Ave and the southern border being 3rd St
- 2021- The Southern Half of Oelwein with the border being south of 4th St and 3rd St

The inspector shall schedule inspections at least fourteen (14) business days in advance of the inspection. Notice of the inspection shall be sent to the registered owner and owner's representative (if provided during registration) as indicated on the rental inspection registration form for that year at least fourteen (14) calendar days in advance of the inspection, as defined by the postmark date on the mailing. In

addition, the owner or owner's representative may elect to have electronic notification sent to their email address by providing the City with their email address at the time of registration. The inspector will not perform an inspection if the tenant has not been notified of the inspection by the owner or owner's representative, if the owner or owner's representative does not show up for the inspection, or if the owner's representative is not at least 18 years of age.

It is the responsibility of the OWNER or OWNER'S REPRESENTATIVE to notify the City of Oelwein if the inspection time and date does not work for them. Notice of a need to change the inspection by the owner or owner's representative shall be provided at least two (2) business days (excluding weekends and holidays) in advance of the inspection time or the City shall continue the inspection process and the OWNER or shall be responsible for any late or no-show fees as outlined Violations section below.

Properties will NOT be inspected as a part of a contingency for a real estate sales transaction. The City shall not be responsible for late or misdirected notifications, either by US Mail or by email.

The "Inspection Notice" shall consist of the following items:

- Letter stating the following minimum items:
 - Date and Time of the inspection;
 - Address of property to be inspected including number of unit(s) to be inspected; and
 - Notice that if the time and date of the inspection does not work for the owner or owner's representative that it is the owner's or owner representative's responsibility to reschedule the inspection at least two (2) business days in advance of the inspection date and time.
 - Copy of the Rental Inspection Checklist and the Rental Inspection Form.

Follow up inspections, as required, shall be scheduled at the time of the initial inspection by the inspector. The Rental Housing Inspection Office shall keep records of properties requiring re-inspection.

Inspections

The inspector shall conduct the inspection in-person and shall visually inspect all exterior and interior spaces of the rental property. The inspector shall inspect all sides of the exterior structure and the grounds of the property. The inspector shall inspect every room in the rental property. The inspection shall be focused on regulations identified in Oelwein Municipal Code, Chapters 12 and 25. A rental property is considered to have "passed" the inspection once the inspector completes an inspection, finds no violations of Oelwein Municipal Code, and signs the Rental Housing Inspection Form. The completed and signed Rental Housing Inspection Form will remain on file with the City of Oelwein. A copy of the completed form will be provided to the property owner or owner's representative and shall be on display in the dwelling.

It is the Inspector's responsibility to determine if a violation constitutes a major violation. If a major violation – summarized, but not limited to, the list below – is found, a mandatory re-inspection is required within forty-eight (48) hours. If a major violation is identified, the inspector may deem the rental property or rental unit uninhabitable until corrections are made and a re-inspection has been completed.

Major Violations Which Require a Mandatory 48-Hour Reinspection

1. Smoke detectors and carbon monoxide detectors (if applicable) that are missing, inoperable, or are improperly placed.

2. Storage of flammable liquids in a dwelling.
3. Fuel fired equipment with missing or inoperable flues.
4. Electrical cords or wiring that shows signs of failure.
5. Inoperable heating system during winter months, generally considered between November and March.
6. Other life safety issues or items as determined by the designated city inspector.

If the above items are not corrected prior to of re-inspection, the property shall be considered non-complaint with this Rental Housing Inspection Program and may be subject to penalties described in the Violations section below. In accordance with Oelwein Municipal Code Section 25 Article II Division VII, immediate vacation of the property may be required.

Violations Which Require a Sixty (60) Day Reinspection

All other violations shall be corrected within sixty (60) calendar days. If the violations are not corrected prior to re-inspection, shall be considered non-compliant with this Rental Housing Inspection Program and may be subject to penalties described in the Violations section below. This may include the revocation of the Certificate of Occupancy and the immediate vacation of the rental property and/or rental units.

Re-Inspections and No Shows

The initial inspection following registration of all rental properties shall be conducted as part of the registration fee with no additional costs. The inspection required every three years is considered an initial inspection. For properties found with a violation(s) during the initial inspection, the first re-inspection also shall be conducted at no cost. The property owner shall be assessed a fee for each subsequent re-inspection.

In the first round of initial inspections to assist landlords, city council will allow a second inspection at no charge.

The designated inspector shall meet the owner or the owner's representative at the scheduled date, time, and location. The property owner shall be assessed a "No Show" fee for each time the owner or owner's representative fails to be at a scheduled inspection.

Consideration will be given to property owners who contact the City of Oelwein a minimum of two (2) business days prior to the date of the inspection to reschedule a rental inspection due to an inability to get a contractor onsite to correct the violations. This shall not apply to violations which require a forty-eight (48) hour follow up inspection. If a rental inspection is rescheduled more than once, a "No Show" fee will be assessed to the property owner for each rescheduling.

The inspector will not perform an inspection if the tenant has not been notified of the inspection, if the owner or owner's representative does not show up for the inspection, or if the owner's representative is not at least 18 years of age. In each of these cases, a "No Show" fee will be assessed to the property owner.

A property owner can reschedule an inspection should they not have repairs completed and be charged a fee as determined by the city's fee schedule. A second charge shall be applied if they ask for a second reschedule. Reschedules are only allowed before the second inspection.

After the second inspection, property owners will have 15 days to come into compliance with the city

code.

Habitual Violator

If a property fails their third inspection, their certificate of occupancy for the house will be revoked. Once their certificate of occupancy is revoked the property owner will not be allowed to rent the property for six months. After the six-month period the property will be inspected. Failing a third inspection will declare the property owner a habitual violator and will result in annual inspection of the property for three years. A landlord who is declared a habitual violator results in all their properties being inspected annually for three years. If they do not fail an inspection on any of their properties in the three years they will no longer be declared a habitual violator.

Complaints

Only current tenants of a rental property or unit(s) may file complaints of violation regarding a rental housing property. Complaints shall be made in writing or verbally with assistance from a designated City of Oelwein Inspector(s) using the Rental Housing Complaint Form. Inspections based on a complaint will not be conducted if the Rental Property Complaint Form is not completed.

At the time the complaint is made, city staff will ask the tenant for any other type of documentation s/he may have – for example any pictures or letters they may have sent to the landlord. The tenant shall be required to certify that s/he has registered a complaint with the owner or owner’s representative at least fourteen (14) days prior to filing the complaint with the city, unless the complaint is regarding a major violation. The tenant will be advised that the landlord will be notified regarding the complaint and a determination will be made on the validity and severity of the complaint and if an inspection is warranted. City staff will contact the owner or owner’s representative by phone within two (2) business days if a complaint falls under the purview of this Rental Housing Inspection Program.

If a complaint is within the purview of this program, city staff will conduct an inspection within ten (10) business days of the complaint. If violations exist at the time of the inspection, the inspector will document utilizing the same procedures as if a non-compliant inspection was performed. The tenant will be contacted by phone regarding the outcome of the inspection. The inspection form shall be made available to the tenant upon request.

Complaints regarding major violations, which would require a mandatory forty-eight (48) hour re-inspection during a normal rental inspection, will require that an inspection be scheduled within forty-eight (48) hours of receipt of the complaint, excluding weekends or holidays.

If the complaint is regarding an item not covered by the Rental Housing Inspection Program, the tenant shall be informed of such and no further action shall be taken.

The City of Oelwein shall maintain the record of each complaint and the outcome of the complaint as a part of the rental program.

Any complaint that requires an onsite inspection shall have an associated re-inspection fee. If the complaint is found to have merit and violations are found in the rental property, the property owner will be responsible for paying the fee. If the complaint is found to have no merit and violations are not found in the rental property, the tenant filing the complaint will be responsible for paying the re-inspection fee.

Appeals

The Housing Appeals Board, as defined in Oelwein Municipal Code, Chapter 25, serves as the appeals board for disputes regarding notices of violations issued during a rental inspection, in accordance with Oelwein Municipal Code section 12-308.

An owner or owner's representative of a property who wish to make an appeal regarding a notice of violation of their rental property or unit(s) shall complete an appeal form provided by the City of Oelwein. This appeal must be filed with the City within sixty (60) days of the initial inspection. The Housing Appeals Board shall then schedule a hearing within thirty (30) days of receiving the appeal. City staff shall compile information related to the inspection and identified violation. At the Housing Appeals Board hearing, City staff shall present evidence of the violation and the rental property owner will be provided an opportunity to state his/her perspective on the need to reconsider the inspector's decision. The Housing Appeals Board shall provide a ruling within ten (10) after the hearing. If the owner is not satisfied with the ruling, the owner may file a request with the city manager's office for a public hearing with the Oelwein City Council. This request must be filed within ten (10) days following the Housing Appeals Board ruling. At the next regularly scheduled meeting, the City Council shall schedule a public hearing and provide a ruling. A fee for each appeal shall be set by the city's fee schedule.

Violations

Rental properties and/or rental units that fail to comply with the rental housing inspection program, shall be referred to the City Building Official and Attorney for prosecution as a municipal infraction. Failure to comply with this program, including but not limited to failure to register a property, may result in the revocation of a Certificate of Occupancy.

Annual Training Program

As a part of the annual rental registration process, the City of Oelwein shall provide for a minimum of three separate Rental Housing Inspection training sessions. This training sessions will provide property owners with information about the program including, but not limited to, common violations, changes in the rental housing code, and allow for feedback from the landlords.

These annual training programs shall be offered on three different dates with at least one session during the evening hours (defined as 5:00PM or later).

Annual Report

The city of Oelwein shall provide an annual report to the Oelwein City Council. The report shall provide data on the number of housing units in the City and the frequency and type of violations that have been found in the previous year. The report shall be prepared in July of each calendar year showing the reporting period beginning July 1 of the previous year and running through June 30 of the current year.

Sidewalk and Driveway Extension

In an effort to work with the Landlords of Oelwein, the Oelwein City Council is extending the enforcement of section 302.3 Sidewalks and Driveways until 2023. The City of Oelwein will be starting a sidewalk program for the entire city and be focused on repairing and completing a sidewalk network. All rental properties will need to comply with section 302.3 by July 1 of 2023.

Multifamily Units

City Council worked with the landlords to create a fee schedule for multifamily units, because they share

several building components that will not require multiple inspections. The definition of a multifamily unit is a property consisting of one or more units in a single structure. The fee will be assessed with an initial unit cost covering the first unit, and each subsequent unit having an additional fee.