

## **City of Chariton**

### **Rental Inspection Code Policy**

The Chariton City Council passed the third reading and adopted an ordinance on March 21, 2022, and amended the ordinance on January 3, 2023, establishing a rental code inspection policy for the City of Chariton, Iowa. Chapter 15.18 Rental Housing Code of the Chariton Municipal Code was approved to provide safe and sanitary living conditions for residents by establishing minimum standards and regular inspections of rental properties.

The authorization to carry out this program is found in Chapter 15.18 in the Chariton Municipal Code which authorizes inspections of rental properties to enforce regulations.

The policy outlines the administrative guidelines to implement and organize the program. The program is part of Chariton's Building and Code Enforcement Department and is contracted for inspections by Iowa Inspections.

#### **Definitions:**

*The following definitions are to be used as a reference when reviewing the program policy.*

**ACCESSORY STRUCTURE:** A structure which is not used or intended to be used for conducting business by human occupants.

**APPURTENANCE:** That which is directly or indirectly connected or accessory to some other structure.

**CODE :** Any ordinance, code, law, or regulation in effect for the City of Chariton concerning fitness for habitation or the construction, maintenance, occupancy, use, or appearance of any building or structure, including, but not limited to, the Zoning Ordinance, International Building Code, Plumbing, Electrical, Fire Prevention and Property Maintenance Codes, as promulgated by the International Code Council, the Uniform Construction Code, the Health and Sanitation Ordinance, and the Nuisance Ordinance.

**RENTAL PROPERTY:** Any structure that is for residential use, that is paid for by rent or occupied by person who is not an owner of the property, would be subject to the rental inspection code policy. The following circumstances would be exempt from the program:

1. Dwellings owned by the state and federal governments.
2. Hotels, as defined by Chapter 137 of the Iowa Code.
3. Dormitory rooms of higher education institutions.
4. Nursing homes, long-term care, and medical care facilities.

**PROPERTY OCCUPANCY PERMIT:** A document issued by the city evidencing authority to occupy a property.

**EXTERMINATION:** The control and elimination of insects, rodents, or other pests by eliminating the harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, or trapping, or by any other recognized and legal pest elimination methods approved by the inspector.

**GARBAGE:** Animal or vegetable waste resulting from the handling, preparation, cooking, or consumption of food, and shall also mean combustible waste material in accordance with the city's burning regulations.

**INSPECTION, FOLLOW-UP:** A re-inspection of a rental property following an initial inspection, designed to determine and achieve compliance with deficiencies noted in the initial and any other follow-up inspection.

**INSPECTION – INITIAL:** A periodic inspection of a dwelling unit conducted to determine compliance with the provisions of this chapter, whether initiated by the inspector or by written complaint.

**INSPECTOR:** The official who is charged with the administration and enforcement of this code, or any duly authorized representative. Also, **CODE OFFICIAL**.

**OPERATION:** Any person who has charge, care, or control of a building or part thereof, in which commercial businesses/properties are let. Also, **OPERATOR**.

**OWNER:** Any person at least 18 years of age who, alone or jointly or severally with others, shall have legal title to any rental property, with or without accompanying actual possession thereof; or shall have charge, care, or control of any rental property, as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual **OWNER** shall be bound to comply with the provisions of this chapter to the same extent as if the representative were the **OWNER**.

**OWNER’S DUTIES:** It shall be the duty of every owner to keep and maintain all rental properties in compliance with all applicable State laws and regulations and local ordinances and to keep such property in good and safe condition. This ordinance is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the City of Chariton against an owner, occupant, or guest thereof.

**PLUMBING:** All the following supplied facilities and equipment: gas pipes; gas burning equipment; water pipes; waste pipes; garbage disposal units; water closets; sinks; dishwashers; lavatories; bathtubs; shower baths; clothes washing machines; catch basins; drains; vents; and any other similar supplied fixtures, together with all connections and to water sewer or gas lines.

**REFUSE:** Waste material, except human waste, including garbage, rubbish, ashes, and dead animals.

**STRUCTURE:** Anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, and other similar items.

**RENT:** Any form of payment, including, but not limited to, cash, services, or other valuable considerations, provided as a condition of occupying a commercial business/property not owned by the occupant.

**TENANT:** Any person who has the right of occupancy, either singly or with others, of a property/unit.

## **REGISTRATION OF RENTAL PROPERTIES**

All rental properties in the City of Chariton shall be registered bi-annually as outlined in Chapter 15.18.070 in the Chariton Municipal Code. Registration shall be required to provide and ensure that the City has the most current contact information for the owner. At the time of registration, the owner shall be required to attest that the rental property meets building regulations identified in the Chariton Municipal Code, as summarized in Appendix B: Rental Property Checklist.

Registration forms, Appendix A: Rental Property Registration Form, shall be provided and records maintained by the City of Chariton.

## **REGISTRATION DATES AND FEES:**

A registration fee and notice will be due every two (2) years for rental properties. The fee will be \$25.00 per property (Example: A property with four apartments would pay \$25.00 for registration.) All properties must be registered by July 1.

Properties not registered by July 1 of the permitted year, shall be considered non-compliant. Such properties shall be subject to a late fee of \$15 per day, per property, until ten (10) days have passed. Those properties may be subject to penalties described in the Failure to Comply section. Registration of any new and/or converted property or properties which changes ownership shall be completed within thirty (30) days of such activity.

If a property's registration is not renewed, the City of Chariton may send a past due notice and reminder to the property owner by certified mail. Any rental property that is not paid within thirty (30) days of that notice will be considered non-compliant.

A non-compliant property may have its rental property permit revoked, have its occupancy discontinued, and/or the owner may be prosecuted for municipal infractions, as described in the Chariton Municipal Code and in the Failure to Comply section.

## **TRANSFER OF OWNERSHIP:**

Rental property that is transferred from one owner to another shall have thirty (30) calendar days in which to transfer the property to the new owner's name. If the property is registered in the new owner's name within the thirty (30) calendar days, no new fee will be assessed. No refund(s) will be given to property owner(s) for partial time of registration.

As stated in Chapter 15.18.104 of the Chariton Municipal Code, every person who holds an inspection certificate under this chapter shall give notice to the City's administrative official within 96 hours after selling or having no relationship to the property. The notice shall include the name, address, and additional contact information of the new owner.

## **RENTAL PROPERTY OUT OF SERVICE:**

If an owner desires to remove a rental property from the registration for construction, remodel, or other purposes for a minimum of sixty (60) days, they will need to file an out of service form. During the time the unit is out of service, the owner shall not rent the property. Once the property is ready to be in service, the owner must notify the City. An inspection of the unit will be done within sixty (60) calendar days of being notified. If the unit is back in service within a year, a new registration fee is not required.

## **INSPECTION SCHEDULE:**

The standard schedule for inspections of all rental properties shall be every three (3) years. For properties that fail the initial inspection, but pass the first re-inspection, will move to the standard inspection schedule (one inspection every three (3) years). Rental properties that require two (2) or more re-inspections before passing will need to be inspected every year, until they pass on their first inspection. Once the first inspection is passed, they will move to the standard inspection schedule. The goal for owners is to pass each inspection on the first visit. By using the Inspection Checklist, owners will have the opportunity to prepare for the inspection and mitigate all potential violations.

Beginning July 2023, newly registered rental properties will be inspected within six (6) months of the property being registered with the City. Subsequent inspection will be in accordance with the standard scheduling process previously outlined in Chapter 15.18.060 of the Chariton Municipal Code.

Inspections will be performed on a rotating schedule by areas. Designated inspections will be divided into two areas: north and south.

City staff will notify property owners to schedule their inspection(s) via written notice by US Mail or e-mail. The owner will be given 30 days from the date of the notice to schedule the inspection. It is the owner's responsibility to contact the City's designated inspector, to schedule the inspection(s). Failure to schedule the inspection shall be considered a violation of this program.

The City shall not be responsible for late or misdirected notifications, either by US Mail or by e-mail. Owners may elect to schedule an inspection at any time before the city-determined time for inspection. Upon passing this elective inspection, the property will then be placed on the appropriate inspection schedule.

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

- Letter stating the following minimum items:
  - o Date by which the inspection must be scheduled.
  - o Address of property to be inspected including number of unit(s) to be inspected; and
  - o Contact information for the Rental Property Inspector.
  - o A copy of the Rental Property Inspection Checklist (Appendix B)

If necessary, re-inspections will be scheduled after the initial inspection by the inspector. The inspector shall document all inspections and provide records to the Building and Code Enforcement Department.

Properties will **NOT** be inspected as a part of a contingency for a real estate sales transaction.

## **INSPECTIONS AND FEE SCHEDULE:**

The City of Chariton's designated inspector by contract is Iowa Inspections.

### **Iowa Inspections**

Jason Van Ausdall – Owner

515-587-0065

Scheduling: Max Van Ausdall: vanausdallmax@gmail.com

#### **July 1, 2023 – December 31, 2023:**

- o \$75.00 per unit.
- o Multi-residential (apartments) - \$75.00 for first unit and \$25.00 per unit in the same building.
- o No Show Inspection Fee: \$50.00
- o Re-Inspection: Same as Initial Inspection

#### **January 1, 2024 – December 31, 2030:**

- o \$100.00 per unit.
- o Multi-residential (apartments) - \$100.00 per unit and \$40.00 per unit in the same building.
- o No Show Inspection Fee: \$100.00
- o Re-Inspection: Same as Initial Inspection.

All payments for the inspections will be paid directly to Iowa Inspections at the time of the inspections. The inspector will conduct the inspection in-person. The inspector will inspect all sides of the exterior structure and the grounds of the property and will inspect every room inside the property.

The inspection will focus on building regulations identified in the Chariton Municipal Code, as summarized in the Rental Property Inspection Checklist (Appendix B). A rental property is considered to have "passed" the inspection once the inspector completes an inspection, finds no violations, and submits their approval to issue the Rental Occupancy Permit. The completed and signed Rental Occupancy Permit will remain on file in the Building and Code Enforcement Department. A digital copy of the completed form may be provided to the property owner, if requested.

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 excluding holidays and weekends. If a major violation is identified, the inspector may deem the rental property unusable until corrections are made, and a re-inspection has been completed.

**MAJOR VIOLATION REQUIRING A MANDATORY 48-HOUR RE-INSPECTION:**

1. Exit components that are blocked, missing, or inoperable.
2. Fire suppression or alarm systems that are not functioning.
3. Improper storage of flammable liquids.
4. Fuel fired equipment with missing or inoperable flues.
5. Electrical cords or wiring that shows signs of failure.
6. Inoperable heating system during winter months, generally considered between November and March.
7. Other life safety issues or items as determined by the designated inspector.

If the above items are not corrected prior to re-inspection, the property shall be considered non-compliant and may be subject to penalties described in the Failure to Comply section. Immediate vacation of the property may also be required.

Emergency Order, as stated in Chapter 15.18.106 of the Chariton Municipal Code, states the Administrative Official may issue an emergency order if the living conditions deem necessary.

Designation of unfit dwelling, as stated in Chapter 15.18.107 of the Chariton Municipal Code, no person shall have occupancy in the dwelling if it is considered unfit.

**MINOR VIOLATIONS REQUIRING SIXTY (60) DAY RE-INSPECTION:**

All other violations shall be corrected within sixty (60) calendar days of the original inspection. If the violations are not corrected prior to re-inspection, the property shall be considered non-compliant and may be subject to penalties described in the Failure to Comply section. This may include the revocation of the Property Occupancy Permit and the immediate vacation of the unit.

**RE-INSPECTIONS:**

The owner of the property will be responsible to pay for each re-inspection fee (see inspection and fee schedule). This will continue until the property is brought into compliance. When notice is sent to schedule the reinspection, a inspection checklist will also be sent to remind the owners of what is required.

## **NO SHOWS:**

The inspector will meet the owner at the agreed upon date, time, and location. The property owner shall be assessed a "No Show" fee each time the owner fails to be present at a scheduled inspection (see inspection and fee schedule).

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

## **TENANT COMPLAINTS:**

Only current tenants of a rental property or unit(s) may file complaints. Complaints shall be made in writing using the Rental Housing Complaint Form (Appendix C) and delivered to the Building and Code Enforcement Office.

At the time the complaint is made, City staff will ask the tenant for any other type of documentation they may have. The tenant shall be required to prove that they have filed a complaint in writing with the owner at least fourteen (14) days prior to filing the complaint with the City unless the complaint is regarding a major violation. For example, any pictures of damages or correspondence (letters/emails). Inspections based on a complaint will not be conducted if the Rental Property Complaint Form is not completed.

The tenant will be advised that the property owner 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 by phone if a complaint falls under the purview of the Rental Housing Inspection Program. 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. If a complaint is within the purview of this program, a rental inspection will be scheduled. If violations exist at the time of the inspection, the inspector will document utilizing the same procedures as if a normally scheduled inspection was performed.

Complaints regarding major violations, would require a mandatory forty-eight (48) hour re-inspection upon receipt of the complaint – excluding weekends or holidays.

Any complaint that requires an on-site inspection may have an associated re-inspection fee. If the complaint is found to have merit and violations are found at the rental property, the owner will be responsible for paying the re-inspection fee directly to the inspector and resolving the founded violations.

The City of Chariton's Building and Code Enforcement Office will maintain the record of each complaint and the outcome of the complaint as a part of the rental program.

## **APPEALS:**

The Chariton City Council, as defined in Chapter 15.18.120 in the Chariton Municipal Code shall serve as the appeals board.

An owner of a property who decides to file an appeal regarding a violation of their rental property or unit(s) shall complete an appeal form provided by the City of Chariton (Appendix D). A written notice of appeal must be received by the City within five (5) days. City staff shall compile information related to the inspection and/or identified violation. This information will be provided to City Council to review at their next regular meeting.

At the hearing, City staff, or their representative, shall present evidence of the violation. The owner will have an opportunity to state their perspective on the violation. City Council's decision becomes final.

**FAILURE TO COMPLY:**

Rental properties/units that fail to comply with the Rental Housing Inspection Program will be referred to the Building and Code Enforcement Officer and City Attorney for prosecution as a municipal infraction. Failure to comply with this program may result in a penalty fee, the revocation of a rental permit, and/or a requirement to vacate the property.

Policy Approved by Chariton City Council on February 20, 2023