

# **AN ADMINISTRATIVE POLICY OF THE CITY OF SIOUX CENTER FOR THE RENTAL HOUSING PROGRAM FOR ALL RENTAL HOUSING**

**This policy was adopted into the Sioux Center City Ordinances by Ordinance number SC-O-07-17**

To establish regulations and procedures of the rental housing program in the city of Sioux Center, this policy has been drafted. Its purpose is to provide guidelines the guide the implementation and organization of the program. The Rental Inspection Program is administered by the City of Sioux Center.

## **01 Purpose**

It is the purpose of this policy to detail the requirements of a rental housing inspection program. To protect, preserve and promote the physical health and social wellbeing of the people. To prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate rental dwellings for the purpose of maintaining adequate sanitation and to protect the life safety and possessions of the people.

## **02 Definitions**

1. Rental Unit: Any building or portion thereof which is allowed to be occupied by one or more persons as a dwelling space which includes one or more of the following activities: sleeping, eating, or general habitation. As a condition of occupying the space, the renter or renters exchange cash or other valuable considerations for the right to occupy the space
2. Exempt Rentals: Rental units that are inspected by a third-party organization and are recognized by the city office
3. Newly Constructed Units: Any unit that has been newly constructed and been granted a Certificate of Occupancy within the last year
4. Major Violation: A violation of the Property Maintenance Code that if allowed to remain as found would constitute an immediate threat to the safety of those living in the home. (Examples of major violations could include but are not limited to: improper venting of combustion air, missing or inoperable smoke detectors, improper electrical wiring or equipment, lack of or damaged water heater)
5. Tenant / Renter: A person or group occupying a unit
6. Owner / Landlord: Person or Persons who are responsible for the renting or leasing or rental units and may include the owners of such property or their designated representative
7. Owner's Representative: A person who is appointed by a rental property owner to act as the property manager if the owner is unavailable. The Owner's representative should be able to provide a city inspector access to the entire property for inspections and be at least 18 years old

## **03 Enforcement**

The Code Enforcement Department or persons designated are responsible for the enforcement of this chapter.

## **04 Permit Required**

Any person or entity wishing to engage in the renting of dwelling units shall first obtain a rental permit from the City of Sioux Center. This permit shall be made available to any authority or tenant upon request.

1. No person shall rent or lease any dwelling unit or any portion of a dwelling unit until they have received a valid rental permit from the City of Sioux Center.
2. It is the responsibility of the property owner or owner's representative to ensure that the rental has been inspected and granted a rental permit. Failure to obtain a rental permit or renew a rental permit will result in a notice being sent to the property owner that the rental is not in compliance and possible legal action.
3. Rental units that are found to be *exempt rentals* are not required to be registered or inspected as part of this Rental Inspection Program
4. Rental units that qualify as *newly constructed units* must be registered before they are occupied. The final inspection of the building permit process will serve as the first inspection of the rental inspection program.
5. Failure to register any rental property within 90 days of adoption of this policy will result in the property being in violation and required to pay all fines or municipal infraction penalties related to the failure to register.
6. Rental permits will be valid for only one property. For properties that have multiple rental units the permit shall be valid for the entire property, but not more than one property.
7. A rental permit or the renewal of a rental permit may be denied or revoked if the property owner has one or more rentals in which the property has been cited for violations of the Sioux Center City Code. Prior violations that have been corrected shall not be held against any rental. If the rental property has three (3) or more nuisance violations within a 12 month period the city may choose to deny or revoke the rental permit.

#### **05 Expiration of Permit**

Every rental permit issued by the Building Department under the provisions of this policy shall be valid for **one (1) year**. Permits that are revoked as herein provided shall be null and void at time of revocation. Permits that have not been renewed before the expiration date will be subject to a 30 day renewal period. If at the end of the 30 day renewal period the permit has not been renewed the rental dwelling is then no longer considered an existing rental and must be re-registered as a new applicant.

#### **06 Transfer of Ownership**

If ownership of a rental property is transferred to a new owner, the new owner is responsible for registering the rental property and paying registration fees before the property can be rented. No refunds will be given to property owners for a partial year's registration. If the new owner does not register the rental property within the first 30 days of renting the property, there shall be a late fee of fifty dollars (\$50) added to the registration fee.

#### **07 Rental Inspection**

The Code Enforcement Department shall inspect all dwellings or part of dwellings being offered as a rental in the city of Sioux Center every **three (3) years**. As part of the revolving inspection process the code enforcement department may require a re-inspection to be held at a time sooner than three (3) years for any concerns or violations that have been found at a previous inspection or a valid complaint.

1. The city shall notify the property owner or owner's representative a minimum of 15 days prior to a scheduled inspection. It is the owner's responsibility to notify the tenants of the inspection prior to the inspection.
2. Inspections shall not be conducted without the property owner or owner's representative present or their permission given prior to the inspection.

3. Items to be inspected shall be consistent with the applicable building codes adopted by the City of Sioux Center.
4. All fees are to be collected before inspection.
5. General items to be inspected are items that preserve and protect the health and life safety of the tenants, rental owners, and adjacent property owners.
6. Items not inspected as part of this policy include but are not limited to:
  - a. Asbestos
  - b. Lead based paint
  - c. Noise complaints between tenants
  - d. Rental agreements

## **08 Complaints**

Complaints on rental space can only be made by current tenants of the rental property. Before a complaint is submitted to the City of Sioux Center the tenant shall first submit the complaint to the landlord and give adequate time for corrections to be made. If the corrections are not made then a tenant can file a complaint with the City of Sioux Center.

A complaint form provided by the City of Sioux Center must be filled out and submitted before any inspection can take place. Tenants shall submit any documentation they may have, for example any pictures or letters they sent to the landlord. The tenant will be advised that the landlord will be notified if the complaint is within the scope of the rental inspection policy. A determination will be made on the validity and severity of the complaint and if an inspection is warranted. If the complaint is regarding issues that are not covered by this policy, the tenant shall be informed of such and no further action shall be taken.

If the complaint falls under the criteria of the rental inspection program city staff will conduct an inspection within ten (10) business days of the complaint. The tenant will be contacted regarding the outcome of the inspection. Complaints that are found to be valid and then verified by inspection shall be given adequate time for repairs. A major violation shall be re-inspected in 3 days and any other violations in 30 days.

## **09 Right of Entry**

If it is necessary for a code official to conduct an inspection in order to enforce the provisions of this code and in doing so requires to have access to the rental. The inspector may enter the rental at reasonable times to inspect or to perform duties imposed by this policy. If such rental is occupied the inspector shall present credentials to the occupant before entry. If entry is refused the inspector shall have recourse to the remedies provided by law to secure entry.

## **10 Violations**

Whenever a property or portion of a property being governed by the provisions of this chapter is found to have a major violation the code enforcement department may order repairs to remedy the violation by oral conversation with the owner or owner's representative, and written letter to be delivered by certified mail. The code official may order such use of property or portion of property to be discontinued and vacated until violation is corrected. Notice to vacate and or removal of tenants shall be carried out according to Iowa law.

**11 Method of Service.**

The notice of violation may be in the form of a letter sent by certified mail or hand delivery to the property owner.

**12 Appeals**

The City of Sioux Center's Board of Adjustment shall serve as the appeals board. An owner or an owner's representative that wishes to appeal the notice of violation shall request for an interpretation from the Board of Adjustment by completing the appeals application to the Board of Adjustment.

**13 Suspension or Revocation**

The Code Enforcement Department may revoke or suspend the rental permit whenever provided by this policy or in the event that any information provided by the property owner or owner's representative is found to be inaccurate.

**14 Removal of Tenants**

The Code Enforcement Department may seek removal of tenants if violations are not corrected after proper notice of violations and time to correct violations is given. In the event that it become necessary for the Code Enforcement Department to proceed with removal procedures, all legal and actual cost associated with the action shall be paid in full by the property owner or owner's representative. Occupancy of any kind on that property shall not be allowed until all fines and fees are paid in full.

**15 Municipal Infraction Procedure**

After notice is given to a property owner that a violation exists and proper time is also given to correct said violation, but the violation remains, a municipal infraction may be filed against the property owner. The requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Chapter 3 of this Code of Ordinances.