

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 29 OF THE MUNICIPAL CODE, CITY OF CEDAR RAPIDS, IOWA BY REPEALING ALL SECTIONS AND SUBSECTIONS THEREFROM AND ENACTING NEW SECTIONS AND SUBSECTIONS IN LIEU THEREOF AND PROVIDING PENALTIES FOR VIOLATIONS OF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 1. That the Municipal Code of the City of Cedar Rapids, Iowa, is amended by repealing Chapter 29 therefrom and enacting the following new Chapter 29 in lieu thereof:

Chapter 29

LICENSED RENTAL REGISTRATION OF RESIDENTIAL HOUSING

CHAPTER 29.01: LICENSED RENTAL REGISTRATION OF RESIDENTIAL HOUSING

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- a. COMPLIANCE WITH STATE CODE – The City of Cedar Rapids in compliance with the requirements of Section 364.17 of the Code of Iowa, hereby adopts this chapter as Housing Code and Regulations for the City of Cedar Rapids, Iowa. This chapter is substantially based upon “Housing Quality Standards” promulgated by the United States Department of Housing and Urban Development and the City of Cedar Rapids adopted International Property Maintenance Code.

§ 29.02 PURPOSE AND INTENT.

- b. The City of Cedar Rapids recognizes the need for a registration program for residential rental units located within the City in order to ensure rental units meet all applicable building, existing structures, fire, health, safety, and zoning codes, and to provide an efficient system for compelling both absentee and local landlords to correct violations and maintain, in proper condition, rental property within the City. The City recognizes that the most efficient system is the creation of a program requiring the registration of residential rental units and the Licensing of Landlords within the City as defined in this Chapter so that an inventory of rental properties and a verification of compliance can be made by City officials. Operators are responsible to take such reasonable steps as are necessary to assure that the citizens of the city who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from noise, nuisances or annoyances; and free from unreasonable fears about safety of persons and security of property.
- c. To provide Landlord License holders and applicants the tools and training necessary to be successful in the pursuit of honest business practices, equal opportunity and fair housing ethics.

§ 29.03 DEFINITIONS.

As used in this Chapter, the following terms and words shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

- (a) **"DWELLING Unit"** means a building, or portion thereof, designed for occupancy for residential purposes and having cooking facilities and sanitary facilities.
- (b) **"LANDLORD"** means any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.
- (c) **"LAW ENFORCEMENT OFFICER"** shall have the meaning as set forth in the Iowa Rules of Criminal Procedure.
- (d) **"LICENSE OFFICER"** means the City of Cedar Rapids Code Enforcement Division.
- (e) **"OWNER"** means the legal title holder of a rental unit or the premises within which the rental unit is situated.
- (f) **"OWNER-OCCUPIED RENTAL UNIT"** means a rental unit that is occupied in whole or in part by an individual whose name specifically appears on the deed for the property where the rental unit is located.
- (g) **"PERSON"** means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation or receiver, executor, personal representative, trust, trustee, conservator or other representative appointed by order of any court.
- (h) **"PREMISES"** means a lot, plot, or parcel of land, including the buildings or structures thereon, which also includes dwelling units and dwellings.
- (i) **"RENTAL UNIT"** means any dwelling unit or residential structure containing sleeping units; (also see Apartment House) including, but not limited to hotels, motels, bed and breakfast establishments, boarding houses, or sleeping rooms, which is leased or rented from the owner or other person in control of such units, to any tenant, whether by day, week, month, year, or any other term. Hotels, motels and bed and breakfast establishments shall be exempt from this Chapter.

(j) **"RESPONSIBLE LOCAL AGENT"** means a natural person having his or her place of residence in the State of Iowa and or a professional, licensed real estate management firm with an office located in the State of Iowa and has been granted legal authority by the property owner in accordance with the laws of the State as the agent responsible for operating such property in compliance with the ordinances adopted by the City.

(k) **"TENANT"** means any individual who has the temporary use and occupation of real property owned by another person in subordination to that other person's title and with that other person's consent; for example, a person who rents or leases a dwelling, dwelling unit, or rental unit from a landlord.

(l) **"CITY"** means the Code Enforcement Division, Department of Finance, Community Development or other entity that the City has legally designated to perform a function on its behalf.

(m) **"LICENSE"** means an official document issued by the Code Enforcement Division of the City of Cedar Rapids that specifically authorizes any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person. Licensure grants the privilege of conducting said rental business within the jurisdictional limits of Cedar Rapids, IA.

(n) **"REVOCATION OF LICENSE"** means the involuntary termination of the issued Landlord License which authorizes that Landlord to engage in any rental activity as defined by (b) of this section by the Code Enforcement Division of the City of Cedar Rapids, IA.

(o) **"APARTMENT HOUSE"** means a building containing three or more dwelling units.

§ 29.04 LICENSE REQUIREMENT.

No person shall lease, rent, occupy, or otherwise allow a rental unit or apartment house within the City to be occupied, without first obtaining a License from the Licensing Officer of the City of Cedar Rapids under the provisions of this section.

(1) A License may be granted after the owner of the rental unit(s) have successfully registered the rental unit(s) with the City by fully completing and filing a current permit registration form either on-line or in paper form with the City's Licensing Officer, as provided and paying all fees in accordance to Section 29.09 of this Chapter.

(2) A License will be denied unless all of the following requirements are met:

(a) All requirements of Section 29.06 pertaining to inspections are met

(b) All fees charged by the City for the registration of the rental unit(s) and License shall be paid in full.

(c). All housing court judgments are settled or paid in full

(d) The owner or responsible local agent of the rental unit shall provide the Code Enforcement Division Licensing Officer full disclosure of the name(s), address and telephone number(s) of the individual(s) responsible for the maintenance and management of the registered premises.

(3) The City issued rental permit sticker/decal shall be posted conspicuously on the premises typically on the electrical service panel of each rental unit.

(a) **Issuance of License.** If the Licensing Officer or Building Official of the Code Enforcement Division of Cedar Rapids concludes as a result the information contained in the application or other available information, that an apartment house or rental unit appears to comply with requirements of the adopted building and property maintenance code and this section, then said office will issue the license.

(b) **Denial, suspension revocation, non renewal.** The Licensing Officer or Building Official may revoke, suspend, deny or decline to renew any license or rental registration in writing issued under this section upon any of the following grounds:

- (1) False statements on any application or other information or report required by this section to be given by the applicant or licensee.
- (2) Failure to pay any application, penalty, re inspection or reinstatement fee required by this section or city council resolution
- (3) Failure to correct deficiencies noted in notices of violation in the time specified in the notice
- (4) Failure to comply with the provisions of an approved mitigation/remediation plan by the Building Official or designee.
- (5) Failure of the licensee's responsibility to maintain occupying persons on the licensed, registered premises to conduct themselves in a manner as to not cause the premises to be disorderly or to take reasonable remedial action when disorderly conduct occurs. For the purpose of this subsection, a premise is disorderly when activities violate the attached "Crime Free Addendum".

(a) Upon decision to revoke, deny or not renew a license, no new application from the current owner for the same facility will be accepted for a period of time specified in writing by the Building Official or Licensing Officer, not exceeding one year.

(b) A written decision to revoke, suspend, deny or not renew a license or rental registration will specify the details to which it applies. Until such license or rental registration is reissued or reinstated, no rental units held by the licensee or the actual rental unit in question may continue to be occupied or rented.

(c) Displacement Fees shall be assessed to Landlords for all current tenants renting from the Landlord whose license is subject to Section 29.04.3b.5b. All displacement fees shall be paid by subject Landlords or reimburse the City of Cedar Rapids in accordance to Section 29.09 Fees of Chapter 29 of the Cedar Rapids Municipal Code.

(c) Appeals. In any instance where the Building Official or Licensing Officer has denied, revoked, suspended, or not renewed a license, the applicant or licensee may appeal the decision to the Housing Appeals Board or its equivalent by delivering notice of appeal within ten (10) business days of receipt by the applicant or licensee of the notice of the decision by the Building Official or Licensing Officer. The applicant or licensee will be given an opportunity for a hearing before the appeals board. The decision of the appeal board or any decision by the Building Official / Licensing Officer which is not appealed in accordance to this paragraph is deemed a final determination by the city.

§ 29.05 RENTAL REGISTRATION PERMIT.

No person shall lease, rent, occupy, or otherwise allow a rental unit within the City to be occupied without first registering the rental unit with the City and designating a responsible local agent.

(a) Registration Forms. Registration shall be made upon forms furnished by the City and shall require all of the following information.

- (1) The name of the apartment house or complex
- (2) The street address and block and lot number of the rental unit(s);
- (3) The number and types of rental units within the rental property;
- (4) The number of bedrooms and bathrooms in each rental unit;
- (5) The maximum number of tenants permitted for each rental unit in accordance to the adopted International Property Maintenance Code or other applicable codes;

(6) The name, address, telephone number and where applicable an E-mail address, mobile telephone number, and facsimile number of the person or agent authorized to collect rent from the tenants;

(7) The name, address, telephone number and where applicable an E-mail address, mobile telephone number, and facsimile number of the person authorized to make or order repairs or services for the property, if the person is other than the owner or the responsible local agent;

(8) The name, address and telephone number of any lien-holder(s) on the rental unit or the real property on which the rental unit is located at time of annual registration.

(9) A copy of a current valid occupancy permit for the property shall be provided at the initial application if available but shall not be necessary in the event of a transfer of property.

(10) Apartment Houses – When three (3) or more rental units are located in one structure (apartment house) structure, all rental units of that structure may be registered on one registration form by listing individual addresses if all other required information is the same.

(b) *Accurate and Complete Information.* All information provided on the registration form shall be accurate and complete. No person shall provide inaccurate information for the registration of a rental unit, or fail to provide the information required for such registration. The registration form shall be signed by the property owner(s) or the designated responsible local agent, where applicable. When the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive of the organization. When more than one person has an ownership interest, the required information shall be provided for each owner on the City of Cedar Rapids provided registration form.

(c) *Change in Registration Information or Transfer of Property.*

(1) Except for a change in the registered local agent, the property owner of a rental unit registered with the City shall re-register within thirty (30) calendar days after any change occurs in the registration information.

(2) If the property is transferred to a new owner, the new property owner of a registered rental unit shall re-register the rental unit within thirty (30) calendar days following the transfer of the property.

(3) Property owners shall notify the Code Enforcement Division of any change in the designation of the registered local agent, including a change in name, address, E-mail address, telephone number, mobile telephone number or facsimile number of the designated registered local agent within thirty (30) business days of the change.

(4) A change in the lien-holder or functional characteristics or the maximum number of tenants permitted for each rental unit.

(d) *Registration Term and Renewals.*

(1) Registration of a rental unit shall be effective for one (1) year. All registrations shall expire on July 1st of each year. The property owner shall re-register each rental unit with the City, within 31 calendar days after the expiration of the registration of the rental unit (August 1st of each year will be the deadline for renewals) or the first business day in August each year.

(2) Failure to register all rental units in accordance to this paragraph shall in a double fee assessment by the City of Cedar Rapids to each late rental unit.

(3) Failure to register rental units five (5) business days after the double fee assessment shall be subject to Section 29.04.3.b Denial, suspension, revocation, non renewal

(e) Responsible Local Agent. The designated responsible local agent shall be responsible for all of the following:

- (1) Operating the registered rental unit in compliance with all applicable City ordinances;
- (2) Providing escorted access to the rental unit for the purpose of making any and all inspections necessary to ensure compliance with the applicable City Ordinances;
- (3) Maintaining a list of the names and number of occupants of each rental unit for which he or she is responsible; and
- (4) Accepting all legal notices or services of process with respect to the rental unit.

§ 29.06 INSPECTIONS.

(a) Basis for Inspections. Inspections may be made to obtain and maintain compliance with the standards of this Chapter based upon one (1) or more of the following.

- (1) A complaint received by the City of Cedar Rapids, or any law enforcement agency, indicating that there is a violation of the standards or the provisions of any ordinance adopted by the City, County, or any state law;
- (2) An observation made by any law enforcement officer or of any code enforcement / housing officer or any fire safety inspector for the City of Cedar Rapids of a violation of the standards or the provisions of any ordinance adopted by the City or any state law;
- (3) A report or observation of a dwelling unit that is unoccupied and unsecured or a dwelling that is damaged by fire, water, mold, or other causes detrimental to the structure;
- (4) The failure to register or operated by an unlicensed Landlord or to not comply in any manner with the provisions as required by this Chapter;
- (5) The need to determine compliance with a notice or an order issued by the City;
- (6) An emergency observed or reasonably believed to exist;
- (7) A request for an inspection by the property owner or tenant; or
- (8) Requirements of law where a dwelling is to be demolished by the City or where ownership is to be transferred to the City.

(c) Inspection Procedures.

(1) Once the Code Enforcement Division has determined that a rental unit is in compliance with all of the ordinances adopted by the City and state law, the inspection required for issuance of a certificate of compliance shall be satisfied. The inspection shall then be valid for a period of five (5) years from the date the of the initial inspection report.

(2) If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of applicable City and State codes and ordinances, the City shall provide the registered local agent and/or owner with written notice of such violations. The Code Enforcement Division shall set a re-inspection date before which such violation shall be corrected. If such violation has been corrected within that period, the inspection required for issuance of a certificate of compliance and rental permit shall be satisfied. If such violations have not been corrected within that period, the Code Enforcement Division shall not issue the certificate of compliance and rental permit sticker/decal and may take any action necessary to enforce compliance with applicable City and State codes and ordinances.

(3) If there is a complaint filed on a property with the City of Cedar Rapids, the owner and/or responsible local agent will be notified in writing. In the event that the complaint is of an emergency nature, as determined by any City of Cedar Rapids, Code Enforcement Division it will require immediate compliance with adopted Building / Housing Codes. If the complaint is not of an emergency nature, the owner will have a period of time as legally prescribed by the Code Enforcement Division to correct such violation, after which a re-inspection will be required.

(4) If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the owner of the inspected rental unit in compliance.

(5) Where a re-inspection must be made to ensure conformity with this Chapter for those rental units that have been issued violation notices, the City will charge a separate inspection fee for every inspection when the violation has not been abated or corrected, this fee may not be waived.

(6) If an inspection is scheduled and the owner or responsible local agent fails to appear, an inspection fee shall be assessed against the owner and/or the responsible local agent, and no inspection shall be completed until the inspection fee is paid in full.

(7) Access to property for inspection shall be made in accordance with State and Federal laws accordingly.

(8) All rental units with a current certificate of compliance shall still be registered in accordance to this chapter but shall not subject to any inspections outside of terms listed in this Section and/or Section 29.08 of this ordinance.

§ 29.07 POSTING OF THE RENTAL PERMIT OR NOTICE OF NON-COMPLIANCE.

(1) The rental permit shall be displayed conspicuously on the outside electrical service panel door of each rental unit at all times;

(2) Address numbers shall be clearly posted on the building in accordance to adopted codes and on the electrical service panel and gas meter of each rental unit.

(3) If the owner does not comply with this Chapter a notice of non-compliance may be placed on the building in a manner determined by the Building Official or designee.

§ 29.08 VOLUNTARY INSPECTIONS AND CERTIFICATE OF COMPLIANCE.

(1) An owner of a registered rental property may obtain a certificate of compliance from the City, providing there are no violations, by voluntarily having their property specially inspected by the City for a fee in accordance to Section 29.09.

(2) The Certificate of Compliance shall contain the specific items that the property has been inspected for and performed in a manner determined by the Building Official of the Code Enforcement Division.

(3) The certificate of compliance shall be valid for a period of five (5) years.

(4) The City shall maintain no liability in regards to the certificate of compliance.

§ 29.09 FEES.

(1) The City Council shall establish, by resolution, an appropriate fee for rental permit registration, license and inspections. They may review and increase such fees on an annual basis.

(2) If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the owner of the inspected rental unit in compliance.

(3) Where a re-inspection must be made to ensure conformity with this Chapter for those rental units that have been issued violation notices, the City will charge a separate inspection fee for every inspection only when it is found that the violation has not been abated or corrected.

(4) ***Fee Schedule:***

a. One Time Owner/Landlord License: Fifty dollars (\$50.00)

b. Annual Rental Registration Fee: Seventy five dollars (\$75.00) per single family dwelling and duplex. Multi-family of three (3) or more rental units: Fifty dollars (\$50.00) per structure plus ten dollars (\$10.00) per unit.

c. Valid Complaint Inspection Fee: one hundred dollars (\$100.00) if the violation(s) are found valid on the scheduled inspection date.

d. Reinstatement Fee of Suspended or Revoked License: Two hundred fifty dollars (\$250.00)

e. Reinspection Fees: First reinspection is included with Annual Rental Property Fee. Additional reinspections the third (3rd inspection) will be One hundred dollars (\$100.00) per occurrence.

f. Trip Charge:(\$75.00) When an owner or operator does not come to a scheduled inspection or give one (1) business notice of cancellation.

g. In order to assure that funds are available to provide an adequate number of staff for appropriate enforcement and enactment of this Chapter all fees shall be deposited in a rental permit program trust fund that shall be established by City Council.

§ 29.10 MAINTENANCE OF RECORDS.

(1) All records, files and documents pertaining to the Rental Registration and Licensing and Rental Unit Inspections shall be maintained by the City and all or portions of such documents shall be made available to other appropriate City Departments and the public in accordance with the applicable provisions of Iowa law.

(2) Portions of the records that are not subject to FOIA (Freedom of Information Act) and contain what is considered sensitive personal information shall be kept confidential by the City and periodically destroyed in accordance with any applicable laws.

§ 29.11 INITIAL IMPLEMENTATION.

(1) Initial implementation shall begin no later than July 1, 2010 in a manner determined by the City, but in any case all Rental Permit Registrations must be completed and paid in full no later than August 13, 2010.

(2) It is Council's intent that the appropriate expenditures are made and the staff to implement the program is hired on or before the initial implementation date.

§ 29.12 PENALTY.

(1) Violation of failure to disclose all properties required to be registered per Section 29.05 shall be a summary offense. The fine for each separate violation shall be a fine not to exceed one thousand dollars (\$1,000.00) per each unit per each month that a rental unit is not registered or inspected as required by this Chapter, plus any fees that have been charged for inspection if applicable. Inspection fees shall not be waived or reduced.

(2) Continued violation(s) of this Chapter for non-compliance may result in disconnection of utilities and/or Municipal Infractions issued.

§ 29.13 SEVERABILITY AND CAPTIONS.

This Chapter and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Chapter shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Chapter.

§ 29.14 REPEAL.

All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Chapter are, to the extent of such conflict, hereby repealed.

§ 29.15 SUNSET PROVISION.

This Chapter shall require Council to review the program and vote to reenact, amend or supplement on or before May 1, 2011.

§ 29.16 CRIME FREE ADDENDUM.

The attached Crime Free Addendum shall be considered part of this ordinance and Chapter 29 of the City of Cedar Rapids Municipal Code effective upon the same effective date as section 29.17 of this ordinance.

§ 29.17 [EFFECTIVE DATE.]

- a. The City of Cedar Rapids Clerk is directed to cause this Ordinance to be published in the Gazette, a newspaper having general circulation in the City of Cedar Rapids, Iowa.
- b. This Ordinance shall take affect in full force upon its adoption and publication in the Gazette, the public welfare requiring it.

Introduced this _____ day of _____, 2010

Passed this _____ day of _____, 2010

_____, Mayor

Attest:

_____, City Clerk