

**CITY COUNCIL
COMMUNICATION:**

03-139

AGENDA:

MARCH 24, 2003

SUBJECT:

NEIGHBORHOOD
INSPECTION
RENTAL CODE
AND RESIDENTIAL
PUBLIC NUISANCE
CODE

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

JIM GRANT
COMMUNITY
DEVELOPMENT
DIRECTOR

ITEM 52

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

SYNOPSIS —

Chapter No. 26, Section IV, Housing Maintenance and Occupancy Standards Housing Code is requested to be vacated. The code has been re-drafted to clarify the code and eliminate inconsistencies between these code requirements and the building code. The proposed code is titled the Neighborhood Inspections Rental Code and Residential Public Nuisance Code. Also, the Residential Public Nuisance section of the code is being clarified. (Fees supporting the new code were adopted November 18, 2002.)

FISCAL IMPACT —

There is little fiscal impact on the City with the adoption of the new code provisions. Additional revenue will be raised with the increase of the Housing Appeals Board Fees (approximately \$5,000 per year) and the registration fee of newly constructed or renovated rental properties for which new Certificates of Occupancy have been issued (approximately \$1,000 per year).

RECOMMENDATION —

Approval.

BACKGROUND —

Rental Code

During the course of the past nine months, staff has worked on the proposed code with landlords, landlord associations, Housing Appeals Board, and neighborhood associations. Staff met in public meetings with landlords in June, July, and November of 2002. On January 28, 2003, staff met with representatives of the landlord association and held a final public meeting on March 3, 2003. The intent of these meetings was to receive input from rental property owners in the crafting of the ordinance, to explain the ordinance as it was evolving, and to answer questions.

The code has been re-drafted to clarify the rental code and eliminate inconsistencies between the rental code requirements and the building code (used by the Permit and Development Center). For example, under the current process the building code used by the Permit and Development Center and the Neighborhood Inspections Division handle issues differently. For instance, under the building code applied by the Permit and Development Center, a permit can be obtained for a window replacement which states the correct size required for the window, but the size requirements in the Housing Maintenance and Occupancy Standards, applied by the Neighborhood Inspections Division,

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have different size requirements. The altered code will remove all inconsistencies.

In addition to the changes to remove inconsistencies, the new code deletes the proposed requirement for the inspection of gas-fired appliances by licensed contractors. In reviewing emergency records, it appears this additional effort and cost to landlords is not warranted.

The primary changes are as follows:

- 1) Adoption of the International Building Code. This removes all conflicts between the Permit and Development Center and the Neighborhood Inspections Division Codes.
 - a) Adoption of this code requires more smoke alarms than the old standard. One inside and outside of each bedroom and one on each floor.
 - b) The code requires trash cans that were not required previously.
- 2) An administrative fee of \$150 will be charged to property owners taken before the Housing Appeals Board for non-compliance with the code. The fee will be reduced to \$65 if the property complies with the code prior to the scheduled Housing Appeals Board meeting.
- 3) Other than imminent health and safety issues, complaints made by tenants about their rental units must first be made to the landlord for correction prior to submission to the City. (This applies only to certified rental properties.)
- 4) Violations are classified two ways. Class One violations are serious health and safety issue, whereas Class Two violations are maintenance issues. Under the current process, Class One violations must be repaired within 30 days, but Class Two violations must be repaired only by the next renewal inspection. In the case of single-family rentals and duplexes, this means that Class Two violations do not have to be repaired for 30 months.

Past practice indicates that many landlords take care of Class Two violations in a timely fashion. Many other landlords take care of them contiguous to the next renewal inspection. If this proposal is adopted, all violations will be required to be corrected in 30 days. The only exception that exists is in the case of Class Two violations where weather related issues would prohibit repair. For Class Two violations only, the Neighborhood Inspections Division will enter into a renovation agreement with the property owner with a mutually agreed upon date of completion.
- 5) Property management agents will be recognized who reside in Polk County and any contiguous county. The current code only recognizes agents with Polk and Warren County addresses.
- 6) All new construction or remodels issued a new Certificate of Occupancy will be required to register their rental units and pay an administrative fee of \$65. In the past, there was no charge and the City did not require a certificate for one year. This change will exempt these properties from inspection for one cycle (24 or 36 months) and keep the City's records up to

date for the rental certification.

- 7) Certificates will be issued when the property complies and bills will be sent at the completion of the process, not at the beginning of the process. Fees not paid will be assessed against the property. This will streamline accounting for both the City as well as the applicant.
- 8) In addition to the Housing Appeals Board variance process, the Administrator of the Neighborhood Inspections Division may grant administrative appeals on special conditions.

Accompanying Neighborhood Inspections Policy Changes to Complement the Proposed Ordinance

1. In an attempt to reduce the number of re-inspections required, staff has developed a checklist that will reflect the various code requirements that will be inspected. The intent of the checklist is to give the rental property owner a list of items to check prior to our inspection, therefore reducing the number of violations discovered on the initial/renewal inspection. This checklist will be mailed with the notice for inspection.
2. Ongoing monthly training has been scheduled for the inspection staff. This training will create greater consistency among neighborhood inspectors on how they view violations.
3. Staff will re-evaluate the process at least every six months to ensure that the fees being charged and the processes being used are equitable and fair.

In addition to these changes, at the request of Council, an alternative to the portion of the Neighborhood Inspection Rental Code and Residential Public Nuisance Code which deals with re-inspection fees has been provided as Item No. 52-I and is outlined in Council Communication No. 03-147.

Public Nuisance Code Revisions

The following changes are included in the Public Nuisance Code:

- 1) The public nuisance section of the Code has been clarified to be more descriptive of exactly what constitutes a public nuisance structure.
- 2) In the future, the first step in declaring a property a public nuisance will be placarding the building. This will give the neighborhood early notice as to the City's actions and intent.

In addition to the changes cited above, the code has been completely rewritten, not in substance but in style, and reorganized to make it more user friendly.

