


COUNCIL COMMUNICATION

	Number:	19-060	Meeting:	February 11, 2019
	Agenda Item:	33	Roll Call:	19-219
	Submitted by:	Chris Johansen, Community Development Director		

AGENDA HEADING:

Amending Chapter 60, the Housing Code, to include the proper code references for billing purposes and allow the administrator to enter into a renovation agreement after council has approved legal action, strengthens code compliance within a mobile home park.

SYNOPSIS:

Section 60-3; Amends the intent of the code to add that repairs must be completed in a workmanlike manner. This reinforces Section 60-2, Scope.

Section 60-5; Deletes references to the International Property Maintenance Code that conflict with the City housing code or the City established policies.

Sections 60-7 and 60-197; Adopts language necessary to allow the NIZD (Neighborhood Inspection Zoning Division) Administrator to enter renovation agreements to allow a public nuisance structure to be renovated that could include requesting the legal department dismiss a pending case to allow the owner to seek financing to complete the project.

Section 60-8; Amends the language that allows the NIZD to gain entry to conduct inspections. This language is being proposed in the pending zoning code amendment.

Renames Article II, “Residential Property Maintenance Code” to “Rental Property Maintenance Code”. This will allow the adoption of a Property Improvement Code and clearly defines the purpose of the code by the heading of the article.

Section 60-30; Adds the requirement that mobile homes have a rental certificate if not owner occupied. Prior to this it has been implied.

Section 60-32; Adds reference to Polk County and Warren County for purposes of rental application. Clarifies that the owner is responsible to obtain a rental certificate if NIZD fails to send out a renewal reminder.

Section 60-35, 60-200, 60-208 and 60-209; Adds specific language regarding what fees, fine, penalties will be billed out and what collection efforts are authorized upon non-payment of an invoice.

Section 60-50; Eliminates language in conflict the Iowa State Code regarding compliance upon vacancy of a structure but requires a rental to be brought into compliance if it is sold with the intent to remain a rental.

Section 60-65; Adds specific language regarding what constitutes a violation a defective condition when a hard surface sidewalk or driveway is in poor repair. Requires gravel drives to be repaired with new gravel.

Section 60-170; Establishes that we will no longer allow repairs to knock out panels which extend the life of an unsafe exiting method.

Mobile home provisions:

Section 60-16, 60-130 60-132, 60-136, 60-137, 60-144; Adopts language to strengthen regulations in mobile home parks to more specifically direct that the park owner is responsible for all utilities within in the park and up to connection to the mobile home unit.

Section 60-64; Clarifies that both the property owner and owner of the mobile home are responsible for grading.

Section 60-191; Establishes that both the landowner and the owner of a mobile home are responsible to abate a public nuisance.

Adopts minor amendments clean up minor scrivener's errors.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- On August 9, 2016 the council adopted a comprehensive amendment to Chapter 60 of the Municipal Code of the City of Des Moines. Section 60-54 was renumber 60-35. In the renumbering subsections (a) and (e) were not included in newly numbered Section 60-35. These sections specifically authorized billing and collection of costs. In this proposed amendment the missing subsections will be included.
- Additionally, this proposed amendment moves billing and collection to each article for further clarification. An amendment to the schedule of fees will be necessary to make sure all new code sections are referenced correctly.
- When a person wants to renovate a public nuisance structure and there is a court decree it hinders their ability to be approved for a mortgage. The proposed amendment authorizes the NIZD Administrator to enter into renovation agreements for the repair of public nuisance structures upon finding that the owner has sufficient finances. If necessary to secure financing, the NIZD Administrator can request the legal department to release a judgment if necessary to secure the financing. As a practice, the NIZD Administrator has requested the financial institution to enter into the agreement. If the person is unable to complete the renovation, the lender is then agreeing to complete the renovation.
- To enforce utility collections within a mobile home park this amendment makes it clear that the owner of the mobile home park is responsible for code compliant connections of electrical, plumbing, and sanitation to the unit.

PREVIOUS COUNCIL ACTION(S):

Date: July 9, 2018

Roll Call Number: [18-1174](#) and [18-1175](#)

Action: [Amending](#) Chapter 60 of the Municipal Code to repeal Article IV, Real Estate Contract Sales Inspections. Moved by Coleman that this ordinance be considered and given second vote for passage; refer to the City Manager to look at alternatives and report back to Council. Motion Carried 7-0.

(A) Final consideration of ordinance above, requires six votes. Moved by Coleman that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,680](#). Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.