


COUNCIL COMMUNICATION

	Number:	24-535	Meeting:	December 23, 2024
	Agenda Item:	46	Roll Call:	24-1743
	Submitted by:	Chris Johansen, Neighborhood Services Department Director		

AGENDA HEADING:

Second consideration to repeal and replace Chapter 61 of the Municipal Code relating to property maintenance and vacant property.

SYNOPSIS:

Chapter 61 is the portion of the City's Code that regulates how vacant properties are inspected and licensed, how the property maintenance code enforcement is managed, and how the safety net, Improving Our Neighborhoods (ION) will be used to aid with repairs. Staff presented an overview of the Vacant Property Registry to City Council at a work session on January 10, 2022. Chapter 61 was enacted by vote on October 24, 2022. The revised Chapter 61 was before the City Council on the December 9, 2024, Council meeting agenda where feedback was gathered from Council on changes necessary to improve or maintain the level of service for property owners. Since that meeting, staff has worked to include the requested changes to Chapter 61.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- Chapter 61 was enacted on October 24, 2022.
- These changes aim to clarify code standards for customers and to more succinctly organize the provisions that are enforced by the Neighborhood Inspections Division.
- Some of the larger changes to this code include:
 - Add clarifying language to the scope and applicability of the Chapter.
 - Add and clarify defined terms in the code.
 - Clarify the vacant property registration process and requirements.
 - Clarification on how vacant properties are inspected.
 - Clarify that the Division can pursue civil penalties for noncompliance.
 - Codify a complaint process and requirement for property owners to meet minimum code requirements.

- Consolidate maintenance items that are generally applicable in several situations into one (1) subdivision.
- Add a requirement for building address and identification.
- Codify ION as a property repair assistance program.
- The proposed changes would take effect on January 1, 2025, to allow for reconfiguration of our Licensing and Inspection software, to train staff, and to notify property owners.
- The proposed action is to repeal Chapter 61 as it is currently written and to replace it with the proposed action. Staff is recommending this action instead of a strict amendment because of the extensive reconfiguration of many of the provisions.
- Recent changes added to Chapter 61 reflect the information gathered at the December 9, 2024, Council meeting.
 - Language was added in 61-16 to allow the Neighborhood Services Department to enforce in a situation where the property would otherwise qualify for the exemptions but there is an emergency that needs immediate attention.
 - In 61-18 the time to request a hearing was changed from seven (7) to 30 days.
 - 61-21(4) was added that the Department would not enforce on properties that have qualified for the ION program when funded.
 - 61-21(5) was added so that no enforcement of the property maintenance code would happen against owner-occupied residential property that would meet U.S. Department of Housing and Urban Development's (HUD's) parameters for low/moderate income in any fiscal year in which Council does not appropriate funding for ION.

PREVIOUS COUNCIL ACTION(S):

Date: December 9, 2024

Roll Call Number: [24-1683](#)

Action: [Repeal](#) and replace Chapter 61 of the Municipal Code relating to property maintenance and vacant property. ([Council Communication No. 24-505](#)) Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Coleman. Motion Carried 7-0.

Date: October 24, 2022

Roll Call Number: [22-1693](#) and [22-1694](#)

Action: [Clarifying](#) language as to the intent of Ordinance No. 16,166 which provides that general property taxes levied and collected each year on a portion of the property, "Oak Park-Highland Park Tax Increment Financing (TIF) District No. 4", located within the Oak Park-Highland Park Urban Renewal Area be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City of Des Moines in connection with the Urban Renewal Project for such portion of the Urban Renewal Area.

Moved by Westergaard that this ordinance be considered and given second vote for passage. Second by Boesen. Motion Carried 7-0.

- (A) Final consideration of ordinance above, requires six (6) votes. Moved by Westergaard that the rule requiring that an ordinance must be considered and voted on for passage at two (2) 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, #[16,191](#). Second by Boesen. 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.