

ORDINANCE NO. 5650

AN ORDINANCE AMENDING THE CITY OF WATERLOO CODE OF ORDINANCES BY REPEALING TITLE 9, BUILDING REGULATIONS, CHAPTER 7, RENTAL HOUSING, AND ENACTING IN LIEU THEREOF A NEW TITLE 9, BUILDING REGULATIONS, CHAPTER 7, RENTAL HOUSING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WATERLOO, IOWA AS FOLLOWS:

Section 1. That Title 9, Building Regulations, Chapter 7, Rental Housing is hereby repealed and a new Title 9, Building Regulations, Chapter 7, Rental Housing is enacted in lieu thereof as follows:

CHAPTER 7 RENTAL HOUSING

SECTION

9-7-1: TITLE

9-7-2: PURPOSE

9-7-3: DEFINITIONS

9-7-4: LANDLORD LICENSE REQUIREMENT

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9-7-12: SEVERABILITY:

9-7-1: TITLE:

This chapter shall be known as the WATERLOO RENTAL HOUSING CODE and shall be cited as the rental housing code.

9-7-2: PURPOSE:

The purpose of this code is to provide minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the use, occupancy, location and maintenance of all residential buildings and structures for rental within this jurisdiction, and to establish a program of regular rental inspections.

9-7-3: DEFINITIONS:

When 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:

DWELLING: Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a place for human residence, including sleeping quarters and

bathroom or kitchen facilities. A dwelling includes but is not limited to a duplex, multiple dwelling, condominium, dwelling unit, rooming unit, trailers, mobile homes or sleeping units.

**LANDLORD:** The owner of a rental unit. Landlord is also referred to in this chapter as owner, operator, licensee and applicant.

**LICENSING OFFICER:** The Waterloo city clerk or designee(s).

**RENT:** Payment of money, goods, labor, service, use, utilities, or other benefit to the property owner, for the utilization of a rental unit as a dwelling.

**RENTAL UNIT:** Any dwelling or portion thereof which is not eligible for the Iowa homestead credit for property tax purposes, and is not the domicile of the owner of the property.

**RESPONSIBLE LOCAL AGENT:** A designated agent of a landlord, including a property manager, who is responsible for fulfilling the landlord's duties with regard to landlord's rental units. Also referred to herein as an agent.

#### 9-7-4: LANDLORD LICENSE REQUIREMENT:

A. License Required: No person shall lease, rent, or otherwise allow a rental unit to be occupied without a current landlord license obtained from the city clerk under the provisions of this chapter.

B. Registration: In order to be granted a landlord license an applicant must register all rental unit(s) for which the applicant is the owner or responsible local agent by completing and filing a rental permit registration form with the city clerk, as provided in this chapter, and paying all fees required by this code.

C. Requirements: The requirements to receive a landlord license include the following:

1. All requirements of Section 9-7-7 of this Chapter pertaining to inspections have been met;
2. All fees for the registration of the rental unit(s) and license have been paid in full;
3. All judgments of any nature in the city's favor and against the applicant have been paid in full;
4. The applicant has provided the licensing officer the name(s), address and telephone number(s) of the individual(s) responsible for the maintenance and management of the registered premises;
5. All requirements of Chapter 1, Article B of this chapter are met on all rental properties owned by the landlord.

D. Issuance Of License: If the licensing officer concludes as a result of the information contained in the application that the requirements for a landlord license have been met, then the licensing officer shall issue the landlord license, otherwise the licensing officer shall issue a notice of denial.

E. License Term: A landlord license shall be valid for no more than one calendar year. The licensing official shall have the authority to determine whether all licenses shall expire one

calendar year from the date of issuance, on December 31 of each year, or upon suspension or revocation of the license.

F. Fees: A landlord license shall be issued to a landlord at no cost provided the landlord acquires a permit for all rental units. Failure to obtain a rental unit permit for all rental units shall result in a one hundred dollar (\$100) fee.

9-7-5: RENTAL UNIT PERMIT:

A. Required: No landlord, property manager, or responsible local agent shall lease, rent, or otherwise allow a rental unit within the city to be occupied without first obtaining or renewing a rental unit permit from the city and designating a responsible local agent. All rental units must be registered annually as required by this chapter. Registration shall be required regardless of whether the unit is occupied by a tenant.

1. Registration Forms: Application for registration shall be made upon forms furnished by the city and shall, at minimum, require all of the following information:

- a. The name of the apartment house or complex, if any;
- b. The street address and unit number, if applicable, of the rental unit(s);
- c. The number and types of rental units within the dwelling;
- d. Whether the landlord, agent, or tenant is responsible for yard maintenance and trash collection;
- e. Multi-unit housing: All rental units contained within a multi- unit dwelling or building may be registered on one registration form by listing individual addresses if all other required information is the same;
- f. Represent that the landlord has insurance in effect that insures each rental unit, and the larger building of which it may be a part, against damage to the premises, with coverage in an amount sufficient to repair damages and render the premises habitable within ninety (90) days. Landlord shall promptly provide proof of such insurance to the city clerk upon request.

2. Payment Of Fees: The landlord shall have all outstanding fees, charges, and assessments owed to the city of Waterloo paid in full before issuance of any rental unit permit, except for such fees, charges or assessments which may be the subject of an active appeal.

B. Accurate And Complete Information: All information provided on the registration form must be accurate and complete. No person shall provide inaccurate information for the registration of a rental unit. No person shall file an incomplete registration application. Failure to provide the information required for such registration shall be grounds for denial or nonrenewal. The licensing officer shall charge a twenty dollar (\$20.00) administrative fee to any application filed with incomplete information. The landlord or the designated responsible local agent shall sign the registration form, certifying to the accuracy and completeness of the information provided. 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.

C. Change In Registration Information Or Transfer Of Property:

1. Whenever there is a change in the information required for a permit, the landlord or responsible local agent must be reregistered within thirty (30) calendar days after any change occurs and either the permit shall be amended or a new permit shall be issued. A fee shall not be charged if registration occurs within thirty (30) calendar days of the change.
2. If the rental unit is sold, assigned, or otherwise transferred, the rental unit must be reregistered within thirty (30) calendar days. A fee shall not be charged if sale, assignment, or transfer occurs prior to the expiration date of the current permit and registration is completed within thirty (30) calendar days.
3. The landlord shall notify the city clerk's office of any change in the designation of the responsible 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) calendar days of the change.
4. The landlord or responsible local agent shall notify the building official of a change in the functional design characteristics of the rental unit or the maximum number of tenants permitted for each rental unit as regulated by adopted building and life safety codes. Any such change shall require appropriate inspections and issuance of a new certificate of compliance.

D. Rental Unit Permit Term, Fee, and Renewals:

1. Permit Term: A rental unit permit shall be valid for no more than one calendar year. The licensing official shall have the authority to determine whether all permits shall expire one calendar year from the date of issuance, on December 31 of each year, or upon suspension or revocation of the permit or the landlord license of the property owner. The landlord or responsible local agent shall reregister each rental unit with the city no later than sixty (60) days prior to expiration of the permit.
2. Permit Fee: The fee for obtaining a Rental Unit Permit shall be twenty-five dollars (\$25.00) per year.
3. Failure To Register: Failure to register rental units by the deadline shall result in the assessment of a double registration fee.
4. Expedited Renewal: Annual renewal of rental unit registrations may be expedited by requesting and submitting a city provided affidavit form that affirms there are no changes to the previous year's registration information. The landlord or responsible local agent must review this information prior to submitting the renewal affidavit.
5. Responsible Local Agent: The responsible local agent shall be responsible for all of the following:
  - a. Operating the registered rental unit in compliance with all applicable city ordinances;
  - b. Providing escorted access to the rental unit for the purpose of making any and all inspections necessary to ensure compliance with applicable city ordinances;
  - c. Maintaining a list of the names and number of occupants of each rental unit for which he or she is responsible;



- d. Accepting all legal notices or services of process under this chapter with respect to the rental unit.

9-7-6: DENIAL, SUSPENSION, REVOCATION OR NONRENEWAL:

A. Grounds: The licensing officer or building official may revoke, suspend, deny or decline to renew any landlord license issued under section 9-7-4 of this chapter or any rental unit permit issued under section 9-7-5 of this chapter for 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, reinspection or reinstatement fee required by this chapter or city council resolution.
3. Failure to correct deficiencies noted in notices of violation within the time specified in the notice.
4. Failure to comply with the provisions of a mitigation or remediation plan approved by the building official or designee.
5. Failure to comply with the provisions of title VIII of the Fair Housing Act of 1968 (as amended).
6. Zoning: It shall be unlawful to make alterations and conversions of any residential use as specified in Sections 10-8-1(A)(1) and 10-10-1(A)(1) of Ordinance No. 5079, City of Waterloo Zoning Ordinance, without approval by the Board of Adjustment after recommendation of the Planning, Programming, and Zoning Commission.
7. Failure to provide proof of the insurance referred to in subsection 9-7-5A of this chapter upon request of the city clerk.
8. Designation of a rental unit or the larger structure of which it is a part as an unsafe structure by the building official or his designee.
9. Failure to file a complete application.
10. Any conviction under 9-7-9.
11. Conviction of three (3) or more property related municipal infractions by the landlord, property manager, or responsible local agent in one (1) year period.

B. Notice Of Decision: A decision to deny, suspend, revoke or not renew a license or permit shall be in writing, delivered by ordinary mail to the address indicated on the application or license, and shall specify reasons for the action.

C. Effect Of Decision: Upon decision to deny, suspend, revoke or not renew a rental unit permit, no new application for a rental unit permit for the same rental unit or multi-unit building shall be accepted for a period of six (6) months from the date of the decision. After the six (6) month period has expired, the landlord may reapply for a rental unit permit, but approval is not automatic depending on the specific facts of the case. Further action adverse to the landlord or responsible local agent is appealable under this chapter. No rent may be collected for any rental unit not covered by a valid, current rental unit permit in accordance with Subsection D of this Section. Until such rental unit permit is issued, reissued or reinstated, no new rental contracts

may be entered into and rent may not be collected by the landlord or its local responsible agent for any of such landlord's rental properties, but existing rental contracts may be extended or renewed on the same terms and rent owed may be collected.

D. Rent Abatement: No rent may be collected for any rental unit not covered by a valid, current rental unit permit. The licensing officer may order rent abated when it is determined that the owner has, after issuance of a notice of violation of this chapter:

1. Failed to provide an essential service (water, sewer, electricity, heat);
2. Failed to remedy a condition that poses a substantial risk to the health or safety of the tenant, unless the tenant's or the tenant's guests acts or omissions caused said condition; or
3. Allowed an individual to live in a rental unit that does not have a valid rental permit.

Rent abatement means that the owner may not recover rent from the tenant. Rent shall be abated until the condition for which rent abatement was ordered has been remedied. A copy of the rent abatement order shall be given to the owner at the address on the rental permit and to the tenant by U.S. mail and by posting on the entrance door to dwelling unit. Notice of termination of the rent abatement order will be given in the same manner.

E. Appeals: A landlord, property manager, or responsible local agent may appeal the decision of the licensing official to abate, deny, suspend, revoke, or not renew a rental unit permit. The applicant or holder of the license or permit may appeal the decision to the housing appeals board as provided in section 9-7-11 of this chapter.

F. Order Of Precedence To Deny, Suspend, Revoke Or Not Renew A Landlord License Or Rental Unit Permit:

1. First course of action: Rental unit permit(s) shall be denied, suspended, revoked or not renewed if an owner allows a specific property or properties to remain in violation of this chapter or otherwise in an illegal condition or status and has failed to take responsible, reasonable and verifiable actions on a timely basis to remedy the violation(s).
2. Second course of action: Landlord license shall be denied, suspended, revoked or not renewed if an owner allows repeated violations to occur and continues to allow rental unit(s) to remain in violation of this chapter or otherwise in an illegal condition or status and has failed to take responsible, reasonable and verifiable actions on a timely basis to remedy the violation(s).

#### 9-7-7: INSPECTIONS REQUIRED:

A. Rental Properties: Regular inspection on all residential rental property, including mobile homes, shall be made once every three (3) years for compliance with the building code, property maintenance code, other applicable codes, and this chapter. In addition to said codes and this chapter, the housing quality standards promulgated by the United States Department of Housing and Urban Development for use in assisted housing programs shall govern to the extent not superseded by more stringent requirements of said codes and this chapter. Inspections of all properties shall also be made at any time upon receipt of a complaint or request by a tenant or owner. Any rental structure receiving two (2) complaints regarding substantiated violations during any twelve (12) month period shall be put on an annual inspection schedule for three (3) years following the last substantiated complaint.

B. Regular Inspections: Inspections shall be made with notice to the owner, or its responsible local agent if any, and occupant at least five (5) days prior to the inspection being made. Inspection shall be made of each rental unit and of all common space or areas under the owner's control.

C. Certificate of Inspection:

1. No person shall rent, lease or cause to be occupied any rental unit that does not possess a certificate of inspection issued under this code. Any landlord or responsible local agent registering a rental unit for the first time must have a rental inspection completed prior to renting a rental unit and prior to receiving a rental unit permit.
2. After passing inspection, a rental unit governed by this chapter shall be issued a certificate of inspection.
3. The landlord, property manager, or its responsible local agent if any, and occupants of rental units inspected under this chapter shall be furnished with a list of any violations and shall be advised specifically of any violations which may cause an immediate hazard to the health or safety of an occupant, with a specific time limit set for correction of the violations.
4. A Certificate of inspection shall in no way signify or imply that the premises for which it is issued is in conformance or compliance with all portions of the City of Waterloo City Code, or the laws of Black Hawk County or the State of Iowa. The City of Waterloo shall maintain no liability in regard to the Certificate of Compliance.

D. Inspection Fees: All inspection and re-inspection fees shall be paid by the owner or responsible local agent prior to the issuance of a certificate of inspection. Any inspection fee not paid within thirty (30) days shall be deemed a violation of this section. Fees shall be as follows:

1. A re-inspection fee of fifty dollars (\$50.00) per unit if not in compliance shall be charged for the first re-inspection. A re-inspection fee of one hundred and fifty dollars (\$150.00) per unit shall be charged for the second re-inspection. A re-inspection fee of two hundred and fifty dollars (\$250.00) per unit shall be charged for the third re-inspection.
2. A fee of one hundred (\$100.00) shall be charged for all scheduled inspections where an appointment is not kept and the owner, local responsible agent or occupant did not provide notice to cancel the inspection within twenty-four (24) hours of the appointment.

E. Lead Based Paint: Every owner or operator of a dwelling unit or rooming unit being let for rent and/or occupancy shall certify that the dwelling is in accordance with HUD lead based paint regulations, 24 CFR, part 35, issued pursuant to the Lead Based Paint Poisoning Prevention Act, as amended.

#### 9-7-8: DEFENSE IN EQUITY:

It is declared to be against the public policy of the City of Waterloo for a landlord or their agent to commence equitable proceedings pursuant to Iowa Code Chapter 648 without first being licensed and registered by the City of Waterloo pursuant to this Chapter. It is further declared to be the public policy of the City of Waterloo that tenants be afforded the benefit of the equitable doctrine of clean hands in any action filed pursuant to Iowa Code Chapter 648.

#### 9-7-9: OWNER AND TENANT RESPONSIBILITIES:

A. Landlord: Every landlord or its agent, in addition to being responsible for maintaining each rental unit in a sound structural condition, shall be responsible for keeping that part of the building or premises which it controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two (2) or more rental units. In addition, every landlord or its agent shall comply with the provisions of title 5, chapter 3, article B of this code, granting housing protections to victims of domestic violence.

B. Tenant To Maintain Rental Unit: The tenant shall comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety.

C. In every rental agreement entered into after the effective date of this Ordinance, the following obligation shall be imposed upon the landlord:

1. The landlord shall provide tenant with a summary of rights pursuant Iowa Code Chapter 562A.

#### 9-7-10: HOUSING APPEALS BOARD:

The housing appeals board shall consist of five (5) members, three (3) of whom shall constitute a quorum. All appointments shall be for a term of three (3) years. The board shall consist of a home builder, a tenant, a landlord and two (2) members at large. Each board member shall be a resident of the city of Waterloo or shall have his or her principal place of employment in the city of Waterloo. No member of said board shall serve more than two (2) consecutive terms and shall not be reappointed to a third term unless said member has not served on any board or commission of the city for a minimum of one year before reappointment to any board or commission; provided, however, that a third term may be approved upon extraordinary circumstances and/or unavailability of applicants as determined by the mayor.

#### 9-7-11: APPEALS:

A. Right Of Appeal: A person aggrieved by a decision of the licensing officer or the building official may file a written appeal with the city clerk within fourteen (14) days of the postmarked date of the notice of decision. An administrative fee of fifty dollars (\$50.00) must be paid when the appeal is filed. Failure to file the appeal and pay the administrative fee within said fourteen (14) days shall constitute a waiver of the right to a hearing, and the decision shall thereupon become final.

B. Scheduling And Noticing Appeal For Hearing: As soon as practicable after receiving the written appeal the housing appeals board shall fix a date, time, and place for the hearing of the appeal by the board. Such date shall be not less than ten (10) days nor more than sixty (60) days from the date the appeal was filed with the city clerk and the administrative fee paid. Written notice of the time and place of the hearing shall be given at least ten (10) days before the date of the hearing to each appellant by the city clerk either by delivering a copy of such notice to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal. The hearing shall be scheduled for no more than thirty (30) minutes in length, or such additional time as the board in its discretion may deem necessary. If the appellant desires additional time, he or she must make application to the board at least seven (7) days before the hearing date.

C. Conduct Of Hearing: At the appeal hearing the appellant shall have an opportunity to be heard and to show cause as to why such decision should be modified, extended, or overturned, or

why a variance should be granted. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal. The appeal hearing shall be simple and informal, without regard to technicalities of procedure or rules regarding admissibility of evidence. The board may consider any evidence it considers credible, including testimony of city employees, written summaries and other secondary sources, and give such weight to the evidence as it considers warranted. After such hearing the board, by a majority vote, may sustain, modify, extend or revoke a decision or grant or deny a variance. Such determination shall be contained in a written decision and shall be filed with the city clerk within ten (10) days after the hearing, or any continued session thereof.

D. Variances Or Extensions: The board, by majority vote, may grant variances or extensions of time to take corrective action. In the event that an extension or variance is granted, the board shall observe the following conditions:

1. In lieu of or in addition to administrative extensions, the board may grant an extension or extensions of time for compliance with any order or notice provided that the board makes specific findings of fact based on evidence relating to the following:
  - a. That there are practical difficulties or unnecessary hardships in carrying out the strict letter of any notice or order; and
  - b. That such an extension is in harmony with the general purpose and intent of this chapter in securing the public health, safety and general welfare.
2. Except under extraordinary circumstances, the extension or sum of extensions shall not exceed nine (9) months.
3. The board may grant a variance in a specific case and from a specific provision of this chapter subject to appropriate conditions; and provided the board makes specific findings of fact based on evidence presented on the record as a whole, and related to the following:
  - a. That there are practical difficulties or unnecessary hardships in carrying out a strict letter of any notice or order; and
  - b. That due to the particular circumstances presented, the effect of the application of the provisions would be arbitrary in the specific case; and
  - c. That an extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships in this arbitrary effect; and
  - d. That such variance is in harmony with the general purpose and intent of this chapter in securing the public health, safety and general welfare.

E. Staying Of Order Under Appeal: Enforcement of any notice issued under this chapter shall be stayed during the pendency of a timely and properly perfected appeal therefrom.

#### 9-7-11: VIOLATION; PENALTY:

A. Violation: Any landlord, property manager, or responsible local agent who violates the requirements of this chapter shall be guilty of a municipal infraction, subject to prosecution and penalty in accordance with section 1-3-2 of this code and further actions to deny, suspend, revoke or not renew a landlord license or rental unit permit as prescribed in this chapter. The provisions of this chapter shall apply to all landlords, property managers, and responsible local agents whether or not they have obtained a rental unit permit.



B. Correction: Violation correction procedures as prescribed in sections 106 and 107 of the adopted International Property Maintenance Code shall be followed unless otherwise amended by this or other provisions of this code.

C. Injunction: It shall be unlawful for any person to violate, or fail to comply with, any of the requirements of this chapter. If a person has violated, or continues to violate, the provisions of this chapter, the city attorney may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

9-7-12: SEVERABILITY:

If any section, provision or part of this chapter shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this chapter as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

INTRODUCED:	June 20, 2022
PASSED 1 <sup>st</sup> CONSIDERATION:	June 20, 2022
PASSED 2 <sup>nd</sup> CONSIDERATION:	June 20, 2022
PASSED 3 <sup>rd</sup> CONSIDERATION:	June 20, 2022

PASSED AND ADOPTED this 20<sup>th</sup> day of June, 2022.

*Quentin Hart*



Quentin Hart, Mayor

ATTEST:

*Kelley Felchle*



Kelley Felchle, City Clerk

SEAL

