



CITY OF WATERLOO

RENTAL HOUSING PROGRAM

SUMMARY OF CHANGES

The following is a summary of the amendments to the Rental Housing Program ordinance. The amendment was approved by the Waterloo City Council on June 20, 2022 by Ordinance No. 5650. To read the ordinance and find out more information about the Waterloo Rental Housing program visit the city website at:

https://www.cityofwaterlooiowa.com/departments/building_inspections/rental_registration.php

DEFINITIONS – SECTION 9-7-3

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.

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.

LANDLORD LICENSE REQUIREMENT – SECTION 9-7-4

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.

RENTAL UNIT PERMIT – 9-7-5

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.

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.

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.

5. RESPONSIBLE LOCAL AGENT: The responsible local agent shall be responsible for all of the following:

c. Maintaining a list of the names and number of occupants of each rental unit for which he or she is responsible;

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

References to the crime free lease addendum have been struck from this section.

A. GROUND: 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 registration permit issued under section 9-7-5 of this chapter for any of the following grounds:

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.

9. Failure to file a complete application.

10. Any conviction under 9-7-11.

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.

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.

INSPECTIONS REQUIRED – 9-7-7

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.

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 reinspection 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 reinspection fee of fifty dollars (\$50.00) per unit if not in compliance shall be charged for the first reinspection. A reinspection fee of one hundred and fifty dollars (\$150.00) per unit shall be charged for the second reinspection. A reinspection fee of two hundred and fifty dollars (\$250.00) per unit shall be charged for the third reinspection.

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.

CRIME FREE LEASE ADDENDUM

The Crime Free Lease Addendum is removed from the ordinance.

DEFENSE IN EQUITY – 9-7-8

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.

OWNER AND TENANT RESPONSIBILITIES – 9-7-9

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.

VIOLATION; PENALTY – 9-7-12

References to the crime free lease addendum have been struck from this section.

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 and/or rental registration 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 registration permit.

SEVERABILITY – 9-7-13

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.