



City of Winterset Residential Rental Housing Inspection Administrative Policy

DEFINITIONS

The following general definitions are used throughout this administrative policy:

1. **PROPERTY MANAGER:** A person who is appointed by a rental property owner to provide access to a City Inspector to the owner's rental property. The representative must have keys for all portions of the rental property, must be authorized to act on behalf of the owner concerning compliance with the requirements of the Residential Rental Housing Inspection Program, and must be at least 18 years of age.
2. **DWELLING UNIT:** One or more rooms arranged, designed, connected together and resided in by only one family. Such unit shall have its own cooking, sleeping and bathroom facilities. Such unit shall be physically separate from any other dwelling units in the same building.
3. **RENTAL PROPERTY:** Any structure that includes a dwelling unit that is being held out or offered for rent or is currently being let for rent and occupied by a person who is not the owner of the premises.
4. **RENTAL UNIT:** any house or building or portion thereof which is occupied in whole or part as a home or residence of one or more tenants, on a rental basis, or when, in return for housing, a tenant agrees to occupy and maintain the premises. A dwelling unit that is being rented for a period of 90 days or less in a single calendar year or a portion of such dwelling unit shall be exempt from this program.
5. **RENT:** Any form of payment, including but not limited to cash, services, or other valuable considerations, provided as a condition of occupying a dwelling not owned by the occupant.
6. **RRC:** Residential Rental Certificate.
7. **RRHIP:** Residential Rental Housing Inspection Program.
8. **OWNER (Landlord):** Person(s) listed as the deed holder as recorded at the Madison County Assessor's Office.
9. **INSPECTOR:** The person(s) designated by the City of Winterset City Administrator to conduct the inspections of rental properties and units for this program. The City of Winterset may contract with an outside entity to conduct these inspection services.
10. **MAJOR VIOLATION:** A violation of the rental housing code that if left as is would constitute an immediate threat to the life and/or safety of those living in the home (Examples could include: lack of or damaged water heater, boiler, or furnace flue; smoke detectors which are missing, inoperable, or are improperly placed; storage of flammable liquids in a dwelling; electrical cords, wiring, or equipment that has begun to fail due to being overloaded or damaged).
11. **MINOR VIOLATION:** A violation of the rental housing code that requires compliance within sixty (60) days.
12. **TENANT:** Person(s) or family occupying a dwelling unit for rent.
13. **NO SHOW:** When the owner of the structure or any other responsible adult designated by the owner do not attend the scheduled inspection.
14. **SHORT TERM RENTAL:** (Also known as AirBNB) A property that is rented out for a period of 90 days or less.

REGISTRATION OF RESIDENTIAL RENTAL PROPERTIES

All rental properties in the City of Winterset shall be registered on an annual basis in accordance with Winterset Municipal Code Chapter 4.1706. Annual registration is required so that the City has the most current contact and ownership information. By registering a property as a rental property, this does not replace the requirement of a current Residential Rental Certificate. Additionally, by filing a registration

form with the City, the owner is granting consent to an inspection of the rental property by the City for the purpose of determining compliance with this Residential Rental Housing Inspection Program. Registration forms shall be provided and records maintained by the City of Winterset. A receipt of registration will be provided to the property owner or property manager at the time of registration.

For properties that are occupied by someone other than the owner for more than ninety (90) days per year, suspected of being a rental property, and claimed not to be rental properties by the landlord, the property owner shall file with the city a notarized affidavit describing the circumstances under which the occupants are allowed to live in the property without paying rent and attesting that the property is not a rental property.

Registration of new and/or converted property shall be completed within thirty (30) days of such activity, at which time the registration fee is due and an inspection required. Properties not registered in accordance with this Policy shall be considered non-complaint with this Residential Rental Housing Inspection Program, shall be subject to late fees described below, and shall be subject to penalties described in the Failure to Comply section below.

The property owner shall be responsible for renewing the rental registration annually. An annual per-rental-unit fee shall be paid by the owner or property manager at the time of registration. The fee shall be established according to the City-adopted fee schedule by resolution of the City Council. Failure to pay the residential rental registration fee by the due date shall result in a late fee of \$50 per day up to a maximum of \$500 per rental property. The Residential Rental Certificate will not be issued without payment of the registration fees and penalties.

Properties that remain unregistered more than thirty (30) days past the change of ownership or becoming a rental property will be considered non-compliant properties. A non-compliant property shall be subject to penalties as indicated under the Failure to Comply section below.

The following properties are exempt from this program:

- a. Single-family dwellings occupied by the owner, or members of that owner's family as defined in Winterset Municipal Code Title IV Chapter 4.12003.(A) only.
- b. A duplex, at least one of the units of which is occupied by the owner, and the other unit is occupied by a member of that owner's family as defined in Winterset Municipal Code Title IV Chapter 4.12003.(A) only.
- c. Transient shelters and group homes subject to state licensing.
- d. Hotels, motels, extended stay hotels, and other similar uses subject to state licensing.
- e. Dormitory rooms of higher education institutions.
- f. Nursing homes, long-term care, and medical care facilities.
- g. Church parsonages, and other similar facilities owned by religious institutions, that provide housing for their clergy or other similar staff.
- h. Dwellings owned by the local, state, or federal governments.

RENTAL UNITS OUT OF SERVICE

Should an owner remove a rental unit or property out of service for a minimum of sixty (60) days, they shall file with the City a written notice of the rental unit or property being taken out of service. While the unit is out of service, they shall not rent or allow anyone to live within the rental unit or property until such time as the unit is re-registered with the City of Winterset and a RRC has been issued.

Once the rental unit or property is re-registered with the City the owner shall pay a new rental registration fee, and the property shall be inspected within sixty (60) calendar days of being re-registered.

TRANSFER OF OWNERSHIP

Rental property that is transferred from one owner to a different owner shall have thirty (30) calendar days in which to re-register the rental units or property(s) under the new owner's name with the City of Winterset. If a rental property has a transfer of ownership, it is subject to the registration and inspection requirements of this policy.

INSPECTION SCHEDULE

The standard schedule for the inspection of all rental properties shall be once every two (2) years. As an incentive for compliant owners, defined as properties that pass the first inspection with no noted concerns from the inspector, shall require inspection in three (3) years in lieu of two (2). If a property fails the initial inspection but passes the first re-inspection, it shall be moved to the standard inspection schedule (once every two (2) years). Rental properties that require more than two (2) re-inspections before passing will need to be inspected every year until they pass on their first inspection, at which time they will move to the standard inspection schedule.

Property owners are responsible for scheduling their inspections a minimum of thirty (30) days prior to the expiration date of their current RRC. If the inspection is not scheduled and the RRC expiration date has passed, the property shall be subject to late fees and penalties.

The inspector will not perform an inspection if the tenant has not been notified of the inspection by the owner or property manager, if the owner or property manager does not show up for the inspection, or if the property manager is not at least eighteen (18) years of age.

Properties will **NOT** be inspected as a part of a contingency for a real estate sales transaction. The City shall not be responsible for late or misdirected notifications, either by US Mail or by email.

Follow up inspections, if required, shall be scheduled at the time of the initial inspection by the inspector. The inspector shall document all inspections and provide records to City Hall.

INSPECTIONS

The property owner will pay for the inspection prior to the inspection taking place.

The inspection fees shall be:

- Single Family Home, Individually Owned Townhome or Individually Owned Condo: \$50 per dwelling unit
- Single Owner Multi-Family, Condo, Duplex or Townhome: \$50 plus \$15 per dwelling unit
- 1st Re-Inspection: \$50
- 2nd Re-Inspection and subsequent re-inspections: \$35

The inspector(s) shall conduct the inspection in-person and shall visually inspect all exterior and interior spaces of the rental property. The inspector shall take photographs of all violations on the property. The inspector(s) shall inspect all sides of the exterior structure and the grounds of the property. The inspector(s) shall inspect every room inside the rental property including but not limited to hallways, common areas and basements. If the property has passed the inspection, the owner will be notified by the preferred method of notification indicated on the registration form.

It is the inspector's responsibility to determine if a particular violation constitutes a major violation. If a major violation – summarized, but not limited to, the list below – is found, a mandatory re-inspection is required within forty-eight (48) hours. If a major violation is identified, the inspector may refer the

property to the city's Building Official to be pursued as an Unsafe Structure listed under Section 111 of the 2021 IPMC.

MAJOR VIOLATIONS WHICH REQUIRE A MANDATORY FORTY-EIGHT (48) HOUR REINSPECTION

Major Violations are those violations that would cause a building to be considered "unsafe" under the 2021 IPMC Section 111: Unsafe Structures and Equipment. Some, but not all, of the Major Violations are listed here:

- Structurally failing portions of the structure.
- Storage of flammable liquids in a dwelling.
- Fuel fired equipment with missing or inoperable flues.
- Electrical hazards.
- Inoperable heating system during winter months, generally considered between November and March.
- Other life safety issues, i.e. plumbing, sewer, and/or power, or items as determined by the designated inspector.

If the above items are not corrected prior to re-inspection, the property shall be considered noncompliant with this RRHIP, they shall have their RRC revoked and shall be subject to penalties described in the Failure to Comply section below. Additionally, the property will be pursued as an Unsafe Structure under 2021 IPMC Section 111.

MINOR VIOLATIONS WHICH REQUIRE A SIXTY (60) DAY REINSPECTION

All other violations shall be corrected within sixty (60) calendar days. If the violations are not corrected prior to re-inspection, the property shall be considered non-compliant with this RRHIP and shall be subject to penalties described in the Failure to Comply section below. This may include the revocation of the RRC and the immediate vacation of the rental property and/or rental units.

Rental properties or units that fail three or more inspections during an inspection cycle will be considered non-compliant with this program and shall have their RRC revoked until the violations have been corrected.

RESIDENTIAL RENTAL CERTIFICATES

For properties that have undergone an inspection, a current RRC is required to continue operating as a rental property. Properties without a current will be considered non-compliant with the program and shall be subject to the Failure to Comply section below. These certificates can be revoked for non-compliance with this policy and/or for violations of the Winterset Municipal Code Title IV Chapter 17.

NO SHOWS

The inspector(s) shall meet the owner or the property manager at the agreed upon date, time, and location. The inspector reserves the right to leave the inspection location if the owner or property manager fails to show up for the scheduled inspection within 15 minutes of the scheduled time. This will result in a \$100 "No Show" fee. This fee shall be paid prior to rescheduling the inspection.

Consideration will be given to property owners who contact the Inspector a minimum of two (2) business days prior to the date of the inspection to reschedule a rental inspection due to an inability to get a contractor onsite to correct the violations. This shall not apply to violations which require a forty-eight (48) hour follow-up inspection. If a rental inspection is rescheduled more than once, a \$100 "No Show" fee will be assessed to the property owner for each rescheduling.

The inspector(s) will not perform an inspection if the tenant has not been notified of the inspection, if the owner or property manager does not show up for the inspection, or if the property manager is not at least 18 years of age. In each of these cases, a \$100 “No Show” fee will be assessed to the property owner.

NUISANCE COMPLAINTS

The city’s Code Enforcement Officer may from time-to-time identify nuisance complaints at rental properties. If the Code Enforcement Officer can work with the tenants and/or property owner to have the complaint resolved within the initial timeframe given by the Code Enforcement Officer, no further coordination is needed with the RRHIP. If, however, the nuisance is not addressed within the initial timeframe given by the Code Enforcement Officer, the property shall be referred to the RRHIP, where it will be scheduled for a full rental inspection or re-inspection and sent an inspection notice. The property owner shall be responsible for paying the standard inspection fees to the City of Winterset.

TENTANT COMPLAINTS

Only current tenants of a rental property or unit(s) may file complaints of violation regarding a rental housing property. This includes tenants within the same multi-family building.

Unless there are significant health, safety, or general welfare issues, a tenant must first make written contact with the owner or property manager. Tenants shall allow at least fourteen (14) days for the owner or property manager to correct the basis of the complaint. In the event that the owner or property manager does not correct the basis of the tenant’s complaint, the tenant may file a complaint with City staff. Complaints shall be made in writing using the city Residential Rental Housing Complaint Form. The complaint form shall be supplemented with documentation that the tenant has first made a written complaint to the owner or property manager, and their complaint has not been resolved. City Staff will contact the owner or property manager to advise of the complaint and schedule an inspection.

If violations exist at the time of the inspection, the inspector will document utilizing the same procedures as if a non-complaint inspection was performed. The tenant will be contacted by phone regarding the outcome of the inspection. The inspection form shall be made available to the tenant upon request.

Complaints regarding major violations, which would require a mandatory forty-eight (48) hour reinspection during a normal rental inspection, will require that an inspection be scheduled within forty-eight (48) hours of receipt of the complaint, excluding weekends or holidays.

If the complaint is regarding an item not covered by the RRHIP, the tenant shall be informed of such, and no further action shall be taken. The City of Winterset shall maintain the record of each complaint and the outcome of the complaint as a part of the residential rental program.

Any complaint that requires an onsite inspection shall have an associated \$50 inspection fee. If the complaint is found to have merit, and violations are found in the rental property, the property owner will be responsible for paying the fee. If the complaint is found to have no merit and violations are not found in the rental property, the tenant filing the complaint will be responsible for paying the inspection fee.

APPEALS

The Board of Appeals serves as the appeals board for disputes regarding notices of violations issued during a rental inspection, in accordance with the Winterset Municipal Code.

An owner or property manager of a property who wishes to make an appeal regarding a notice of violation of their rental property or unit(s) shall complete an appeal form provided by the City of Winterset. This appeal must be filed with City Hall within sixty (60) days of the initial inspection. The Board of Appeals shall then schedule a hearing within thirty (30) days of receiving the appeal. City staff shall compile information related to the inspection and identified violation. At the Board of Appeals hearing, City staff shall present evidence of the violation, and the rental property owner will be provided with an opportunity to state his/her perspective on the need to reconsider the inspector's decision. The Board of Appeals shall provide a ruling within ten (10) days after the hearing. If the owner is not satisfied with the ruling, the owner may file a request with the City Administrator's office for a public hearing with the Winterset City Council. This request must be filed within ten (10) days following the Board of Appeals ruling. At the next regularly scheduled meeting, the City Council shall schedule a public hearing and provide a ruling.

FAILURE TO COMPLY

Rental properties and/or rental units that fail to comply with the Residential Rental Housing Inspection Program, shall be referred to the City Attorney for prosecution as a municipal infraction. Failure to comply with this program, including but not limited to failure to register a property, may result in the revocation of a RRC indefinitely and/or a requirement to vacate the property.

ANNUAL REPORT

The City of Winterset shall provide an annual report to the Winterset City Council. The report shall provide data on the number of housing units in the City and the frequency and type of violations that have been found in the previous year. The report shall be prepared in July of each calendar year showing the reporting period beginning July 1 of the previous year and running through June 30 of the current year.

MINOR ADMINISTRATIVE ADJUSTMENTS

The City Council authorizes the City Administrator, or designee, to make minor administrative adjustments to appendices of this policy. Any changes or adjustments that substantially change the program, registration, inspections, violations, or complaint process shall require the approval of City Council.