

TITLE II - COMMUNITY PROTECTION**DIVISION 3 - BUILDING AND PROPERTY REGULATIONS*****CHAPTER 4
RENTAL HOUSING CODE**

234-1 PURPOSE. The purpose of this chapter is to establish minimum requirements for residential rental structures to be fit for human habitation, occupancy or use. To protect, preserve and promote the physical health and social well being of the people. To prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate rental dwellings for the purpose of maintaining adequate sanitation and to protect the safety of the people.

234-2 RESPONSIBILITY. The owner of the residential rental housing unit(s) shall provide and maintain the structure and facilities in compliance with this chapter. A person shall not permit another person to occupy any residential rental unit that is not in compliance with this chapter.

****234-3 APPLICABILITY.** The provisions of this chapter shall apply uniformly to all residential rental housing unit(s), irrespective of the date of initial construction. The provisions of this chapter shall apply to all residential rental units except 234-7 shall not apply to hospitals, licensed nursing homes, accredited colleges, properties owned by federal, state or locally approved housing authorities, licensed group homes for disabled persons, and residential units within primary residence of the owner used by related parties of the owner. This chapter does not apply to any residential housing units occupied by the parents, grandparents, children or grandchildren of the owner or to any lodging unit subject to Chapter 423A of the Code of Iowa, which is subject to Iowa hotel and motel tax.

*Revised 1-3-11; Ord. No. 703 (All of Chapter 4)

**Revised 12-19-11, Ord. No. 709

234-4 MINIMUM STANDARDS. All rental housing units and structures intended for human habitation, occupancy or use shall meet all of the following minimum requirements:

1. EXTERIOR

- A. General. The structure shall be maintained in good repair and structurally sound so as not to pose a threat to the public health, safety or welfare.
- B. Walkways. All walkways, stairs and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
- C. Accessory structures. All accessory structures, including detached garages, sheds, fences and walls, shall be maintained structurally sound and in good repair.
- D. Foundation walls. All foundation walls shall be free from open cracks, breaks and holes and shall be kept in such condition as to prevent the entry of rodents and other pests.
- E. Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials and shall be maintained weatherproof.
- F. Roofs and drainage. The roof shall be sound, tight and not have defects that admit rain. Roof water shall not be discharged in a manner that creates a public nuisance.
- G. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch, and balcony shall be maintained structurally sound and in good repair.
- H. Windows, skylights and door frames. Every window, skylight, door and frame shall be kept in sound condition, in good repair, and shall not be boarded up. Glass shall be free from major cracks and holes.

2. INTERIOR

- A. General. The interior of a structure and equipment therein shall be maintained in good repair and structurally sound so as not to pose a threat to the health, safety or welfare of the occupants. Occupants shall keep that part of the structure which they occupy or

control in an acceptable condition. Every owner of a structure containing two or more dwelling units shall maintain, in a clean manner, the shared or public areas of the structure and exterior property.

- B. Stairs. Every stairway shall be maintained in sound condition and in good repair. No permanent obstructions permitted in hallways or stairways.
- C. Doors. Each interior door shall be easily openable and in good repair. Each exterior door shall be of proper size to fit the frame and shall be equipped with a lock.
- D. Walls. Interior walls shall be free from holes, excluding nail holes, and shall cover the building structure.
- E. Ceilings. Ceilings shall be free from holes and cover the building structure.
- F. Mold. Every structure shall be free from obvious mold growth.
- G. Flooring. Flooring shall be free from tripping hazards.

3. ELECTRICAL SYSTEM

- A. Service. Every rental unit shall be connected to an approved electrical system.
- B. Fixtures. All fixtures and outlets shall be in a safe and functional condition or properly covered.

4. WATER SYSTEM

- A. Service. Every rental unit shall be connected to an approved water system.
- B. Fixtures. All plumbing fixtures and pipes shall be maintained in a safe and functional condition, free from leaks.
- C. Water Heater. Water heaters shall be able to provide an adequate supply of hot water to every sink, bathtub, shower and laundry facility. The property owner shall ensure proper installation and maintenance of water heater(s).

5. SEWER SYSTEM

- A. Service. Every rental unit shall be connected to an approved sanitary sewer system.
- B. Fixtures. All fixtures and pipes shall be maintained in a safe and functional condition, free from leaks.

6. HEATING FACILITIES

- A. Facilities required. Dwellings shall be provided with heating facilities capable of maintaining adequate heat in all living spaces, bedrooms and bathrooms. The use of cooking appliances or portable space heaters shall not be used to meet this requirement.

7. MEANS OF EGRESS

- A. General. Every dwelling unit shall have at least two means of egress. If said means is a below grade window it shall have a net clear opening of at least 5.7 square feet. In addition, every bedroom shall have at least two means of egress. If said means is a below grade window it shall have a net clear opening of at least 5.7 square feet.

8. EXTERMINATION

- A. Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
- B. Extermination – Single Family Dwellings.
 - 1.) Owner: the owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
 - 2.) Occupant: the occupant of a single-family dwelling shall be responsible for the continued rodent and pest free condition of the premises.

C. Extermination – Multiple occupancy.

1.) Owner: the owner of a structure containing two or more dwelling units, a multiple occupancy, or a rooming house, shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination of all affected areas of the property.

2.) Occupant: the occupant of any structure shall be responsible for the continued rodent and pest-free condition of that portion of the structure occupied. The owner shall be responsible to ensure that the units remain rodent and pest free and may assess the costs to the responsible tenant.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

234-5 OCCUPANCY. Any residential rental structure that fails to meet any of the minimum requirements listed in 234-4 of this chapter shall not be considered in compliance and shall not be rented or occupied by any person other than the owner of record.

234-6 REGISTRATION. Every residential rental dwelling shall be registered with the City Code Official within 30 days of the effective date of this ordinance. Units placed in rental service after the adoption of this ordinance shall be registered within 30 days.

Failure to register shall constitute a violation of this chapter. Each day a unit fails to be registered constitutes a separate violation.

It shall be the property owner's responsibility to notify the City Code Official if the structure is sold or no longer used as rental property within 30 days of the event.

234-7 INSPECTIONS. Residential unit(s) shall be inspected by one of the following processes, unless said unit is exempt as defined in 234-3 of this chapter.

- A. Self-inspection. Whereby the owner and tenant shall each separately perform an inspection of the rental unit on the forms provided by the City of Estherville and said parties shall complete and submit to the City those inspection forms within 30 days after initial registration of the unit. Failure to correct deficiencies or discrepancies in the self-inspection forms may at the City's discretion require independent inspections by a certified home inspector.
- B. City inspection. In lieu of self-inspection the owner may elect for the City to have the unit inspected by a party designated by the City and the owner of said unit shall be responsible for all fees in connection therewith. Any inspection requested by the City shall use the same criteria and forms as the self-inspection forms set forth in the preceding paragraph.
- C. Exempt property. Any properties which are exempt as defined in 234-3 shall not be required to obtain an inspection by either means.
- D. An inspection shall be performed by the landlord and tenant and records retained by the landlord, tenant and city official upon any of the following occurrences:
 - 1.) Change of occupancy.
 - 2.) Not less than every three years from the date of the original occupancy, or the effective date of this ordinance whichever is later.
- E. Failure to have an inspection or provide an inspection report to the City in the year scheduled shall constitute a simple misdemeanor punishable by fine or suspension of rental privileges. Each day constitutes a separate offense.

234-8 INSPECTORS. For purposes of this chapter, “certified” shall mean having successfully passed the National Home Inspector Examination, or similarly recognized examination, a licensed contractor or others as deemed qualified by the City.

Inspectors shall be registered with the City and provide such documentation as required below:

- A. Verification of having passed the National Home Inspector Examination, or similarly recognized examination or,
- B. Contractor’s license from the State of Iowa or,
- C. Other information as deemed necessary by the City and,
- D. Certificate of general liability insurance in an amount of at least \$1,000,000.

234-9 COMPLIANCE SUSPENSION. Whenever it is found that conditions exist in a rental unit, which is in violation of any provisions of this chapter, the Code Official shall give notice in writing to the property owner of the rental unit that unless such conditions are corrected in a reasonable time, to be determined by the Code Official, the unit shall not be occupied.

234-10 CODE OFFICIAL The Community Development Director shall be the Code Official for purposes of this chapter.