

RESOLUTION 2008-25

“A RESOLUTION ESTABLISHING ADMINISTRATIVE RULES, REGULATIONS AND PROCEDURES FOR THE HAMPTON HOUSING CODE/RENTAL HOUSING PROPERTY MAINTENANCE CODE, APPOINTING THE PUBLIC WORKS DIRECTOR AS ADMINISTRATOR OF SAID CODE, AND AUTHORIZING THE DISTRIBUTION OF CORRESPONDENCE BY THE CITY OF HAMPTON TO LANDLORDS OF RENTAL HOUSING UNITS, WITH COMPLIANCE DEADLINES FOR REGISTRATION AND INSPECTION OF RENTAL PROPERTIES.”

WHEREAS, the City of Hampton has adopted a Housing/Property Maintenance Code; and,

WHEREAS, the Hampton Public Works Director, as the Code Enforcement Officer, was directed to draft and adopt, subject to City Council approval, and whereas the Administrative Rules, Regulations and Procedures have been prepared and submitted to the Council for their approval, along with a proposed letter to be sent to those landlords who have not registered rental properties or allowed inspections,

NOW, THEREFORE, BE IT RESOLVED that the Public Works Director, as Code Enforcement Officer, is appointed as Administrator of the Hampton Housing/Rental Housing Property Maintenance Code, and as Administrator, shall be responsible for adopting and adapting Rules, Regulations and Procedures for enforcement of said Code, and

BE IT FURTHER RESOLVED that the proposed letter to landlords of rental housing units to register and schedule inspection be and is herewith approved, and the Code Enforcement Officer is hereby directed to mail or otherwise deliver said letter to each and every landlord who has not yet registered his/her rental properties or completed the required inspection.

**Passed by the City Council of Hampton, Iowa, on the 23rd. day of September, 2008,
and approved this 23rd. day of September, 2008.**

Diane Weldin, Mayor

Attest:

Ron Dunt, City Manager

HAMPTON HOUSING CODE/RENTAL HOUSING RULES AND REGULATIONS

The provisions of the Housing Code including the Incorporated International Property Maintenance Code of the City of Hampton, Iowa, shall apply to all existing residential and non-residential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibilities of owners, operators and occupants; the occupancy of existing structures and premises, and for the administration, enforcement and penalties. The Code shall be construed to secure its expressed intent, which is to insure public health, safety and welfare and so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required by the International Property Maintenance Code.

RESIDENTIAL RENTAL REAL ESTATE REGISTRATION REQUIREMENTS

All residential rental real estate shall be required to register with the City of Hampton, Iowa, Housing Code Enforcement Officer, within thirty (30) days of the mailing of Notice to Register by the Housing Code Enforcement Officer, City Manager, or City Attorney to the owner or operator of such residential rental real estate, or within thirty (30) days of conversion of any owner-occupied real estate to residential rental real estate. A Registration Fee payable to the City of Hampton is due upon registration as follows:

1. Single Family or Duplex - \$20.00 per structure
2. Multiple Family Dwelling or Structure - \$20.00 per structure plus \$3.00 per unit
3. Rooming House - \$20.00 per structure plus \$3.00 per unit

Failure to register as required shall be a violation of this Ordinance and punishable as a Simple Misdemeanor or as a Municipal Infraction and each day after the deadline date for registration that the dwelling remains unregistered is a separate and distinct violation.

INSPECTION

All residential real estate located within the City Limits of the City of Hampton, Iowa, shall be subject to inspection. The owner of residential rental housing shall schedule and have completed an inspection within sixty (60) days of the date Notice to Schedule Inspection is sent to such owner by the Housing Code Enforcement Officer, City Manager, or City Attorney. The owner/operator of residential rental housing shall within ninety (90) days of the date Notice to Register is sent to said owner/operator or within sixty (60) days of the date registered schedule and complete an inspection by the Housing Code Inspectors and shall pay the Inspection Fee.

Such residential rental real estate shall not be rented or a tenant allowed to occupy until such time as the inspection report shows that such real estate is in compliance with the International Property Maintenance Code adopted by the City of Hampton, Iowa. Occupation of such residential rental real estate prior to a satisfactory inspection report shall be a violation of the Hampton Housing Code/International Property Maintenance Code and may be charged as a Simple Misdemeanor or as a Municipal Infraction and in addition thereto the City of Hampton may obtain an Injunction prohibiting occupancy until such time as a satisfactory inspection report has been made.

If inspection reveals that the property is not in compliance with the International Property Maintenance Code, the inspector shall provide the owner or operator with a copy of the inspection report specifying the improvements or repairs required in order to bring the inspected property into compliance.

A reinspection shall be completed within sixty (60) days of the initial inspection unless expressed written consent is obtained from the City Code Enforcement Officer. Properties not in compliance with the 2006 International Property Maintenance Code within one hundred eighty (180) days after registering as a residential rental housing unit shall be vacated and rent not payable by the tenant until the property has been inspected and a satisfactory inspection report filed.

Failure to schedule and complete an inspection or reinspection, if required, is a violation of this Ordinance and may be charged as a Simple Misdemeanor or a Municipal Infraction for each day said property remains occupied but not in compliance with the International Property Maintenance Code as a separate infraction.

CONTRACT PROPERTIES

Any property sold on contract will be considered as a residential real estate rental dwelling unless the Real Estate Contract has been recorded at the County Courthouse. It is the property owner's responsibility to insure said Contract has been recorded and to provide proof of recording to the Hampton Code Enforcement Officer at City Hall, Hampton, Iowa.

HUD INSPECTION CERTIFICATION

Any properties that have a current HUD Inspection Certification will be required to be registered, but will be exempt from rental housing inspection. If the property is no longer utilized or enrolled in the HUD program, the property will be subject to rental housing inspection under the Housing Code/International Property Maintenance Code of the City of Hampton, Iowa.

RENTAL PERMIT REQUIRED

The owner or operator of any rental residential housing shall file an application and registration for a rental housing permit with the Code Enforcement Officer for the City of Hampton on an application provided by the Code Enforcement Officer. If the Code Enforcement Officer determines that all applicable provision of the Housing Code/International Property Maintenance Code have been complied with, or a variance or modification allowed, a residential rental permit shall be issued to an owner or operator of residential rental housing upon payment of the required Rental Permit fees.

The residential rental housing permit shall be a document entitled "Rental Permit", establishing satisfactory compliance with the International Property Maintenance Code at the time of issuance and shall be valid for a period of five (5) years from the date of issuance. The Rental Permit shall state the date of issuance, Permit number, address of the structure to which it is applicable and its expiration date. If a Rental Permit is not issued, all residential dwelling units and rooming units being occupied and/or rented by such owner/operator without such valid Rental Permit or application for the same on file with the Code Enforcement Officer may be ordered vacated or the collection of rent prohibited, and Notice will be served upon the owner/operator and any tenant or any other occupant directing that the dwelling unit be vacated or that rent shall not be payable until such time as said residential rental dwelling unit is in compliance with the International Property Maintenance Code and a Rental Permit issued.

TRANSFERABILITY OF RENTAL PERMIT

The Rental Permit shall be transferable from an owner/operator to another purchaser, firm, corporation or person at any time prior to its expiration, termination or revocation. The transferor shall notify the Code Enforcement Officer of any change of interest or ownership in property within thirty (30) days of any conveyance or transfer of interest affecting the property and provide the name and address of all persons who have acquired an interest in such property. If the Code Enforcement Officer has not been notified of such conveyance or transfer within the designated time period, the Rental Permit shall not be transferred unless a fee of \$20.00 for each residential rental dwelling structure has been paid for each structure.

APPEAL PROCESS

Any person directly affected by decision of the Code Official or a notice or order issued under the Housing Code/Residential Housing Code shall have the right to appeal to the Board of Appeals by filing a written application for appeal within twenty (20) days after the day of the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of the Housing Code or the rules legally adopted thereunder had been incorrectly interpreted, the provisions of the Housing Code do not fully apply, or the requirements of the Housing Code are adequately satisfied by other means. The Board shall meet upon notice from the Chairman, within twenty (20) days of the filing of an appeal, or at a stated periodic meeting, and notice shall be given to the appellant within ten (10) days of the date and time scheduled for hearing by ordinary mail.

Any person shall have the right to apply to the appropriate Court for a Writ of Certiorari to correct errors of law, and such applications for review shall be made in the manner and time required by law, following the filing of decision in the office of the Chief Administrative Officer of the City of Hampton.

CIVIL OR CRIMINAL PENALTIES

Any violation of the Hampton Housing Code/International Property Maintenance Code shall be punishable as a Simple Misdemeanor or may be charged as a Municipal Infraction. If charged as a Municipal Infraction, the following schedule of Civil Penalties shall apply:

1. 1st Offense - \$100.00
2. 2nd Offense - \$250.00
3. 3rd Offense - \$500.00
4. 4th Offense - \$750.00

Each and every day that a violation of said Ordinance occurs is a separate infraction or violation and may be charged as a 2nd, 3rd or 4th Offense accordingly.