

# CHAPTER 160

## RENTAL HOUSING CODE

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### **160.01 PURPOSE**

An ordinance intended to adopt a Rental Code to regulate and govern the conditions and maintenance of new and existing residential rental property, buildings and structures by providing housing quality standards to ensure that structures are safe, sanitary and fit for occupation and use. The ordinance shall provide for the registration, inspection, administration, enforcement and penalties. The ordinance shall be construed to secure its expressed intent to insure public health, safety and welfare as those are affected by the continued occupancy and maintenance of structures and premises.

### **160.02 HOUSING QUALITY STANDARDS**

This section sets forth the minimum housing quality standards (HQS) for rental housing subject to the Manchester Rental Housing Code. The HQS include minimum acceptability criteria for the following key aspects of housing quality. All rental housing must meet the HQS acceptability requirements both at commencement of use as rental property and at all times thereafter it is maintained and used as rental property.

#### **A. Sanitary Facilities**

1. The dwelling unit must include sanitary facilities located in the unit. The sanitary facilities must be in proper operating condition, and adequate for personal cleanliness and the disposal of human waste. The sanitary facilities must be usable in privacy.
2. The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.
3. The dwelling unit must have a fixed basin in proper operating condition, with a sink trap and hot and cold running water.
4. The dwelling unit must have a shower or a tub in proper operating condition with hot and cold running water.
5. The facilities must utilize an approvable public or private disposal system (including a locally approvable septic system).

#### **B. Food Preparation and Refuse Disposal.**

1. The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner.
2. There must be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g. garbage cans).
3. The dwelling unit must have adequate space and utility hook-ups for an oven, and a stove or range, and a refrigerator. The equipment may be supplied by either the Landlord or the Tenant. All equipment provided by the Landlord must be in proper operating condition.
4. The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approvable public or private system.

#### **C. Space and Security**

1. At a minimum, the dwelling unit must have a living area, kitchen area, and a bathroom.
2. The dwelling unit must have compliant sleeping rooms.

3. Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be capable of being opened and lockable (such as window units with sash pins or sash locks, and combination windows with latches).
  4. Exterior doors by which someone can enter or exit the dwelling unit must be lockable.
- D. Thermal Environment
1. The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.
  2. There must be a safe system for heating the dwelling unit. The system must be in proper operating condition. The system must be able to provide adequate heat, either directly or indirectly, to each room, in order to assure a healthy living environment appropriate to the climate.
  3. The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable.
- E. Illumination and Electricity
1. Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. The electrical fixtures and wiring must ensure safety from fire.
  2. There must be at least one window in the living room and one window in each sleeping room.
  3. The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.
  4. The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.
- F. Structure and Materials
1. The dwelling unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment and rodents.
  2. Interior ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning; large holes; loose surface materials; severe buckling; missing parts; substantial areas of loose, flaking or chipping paint; or other serious damage.
  3. The roof must be structurally sound and weather-tight.
  4. The exterior wall structure and surface must not have any serious defects such as serious leaning; buckling; sagging; large holes; loose, substantial areas of flaking or chipped paint; or defects that may result in air infiltration or vermin infestation.
  5. The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable. Handrails must be installed on all stairs with four or more risers.
  6. Porches and balconies more 30 inches high must have guardrails with openings not more than four inches wide.
  7. Elevators must be working and safe.
- G. Interior Air Quality
1. The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants that threaten the health of the occupants.
  2. There must be adequate air circulation in the dwelling unit.
  3. Bathroom areas must have one operable window or other adequate exhaust ventilation.
  4. Any room used for sleeping must have at least one operable window unless no egress is required.
- H. Water Supply
1. The dwelling unit must be served by an appropriate public or private water supply that is sanitary and free from contamination.

- I. Lead-based Paint
  - 1. The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at part 35, subparts A, B, M, and R of this title apply to dwelling units under this Code.
- J. Access
  - 1. The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).
  - 2. Every room used for sleeping above grade must have an egress window for escape compliant with the size requirements in the current building code, unless such room was designed and built as a sleeping room and was compliant at the time it was constructed. Any basement sleeping room must have an operable egress window compliant with the size requirements in the current building code unless the dwelling unit met the applicable building code and was approved by the building inspector when built because of sprinkling and outside access.
- K. Sanitary Condition
  - 1. The dwelling unit and its equipment must be in sanitary condition and free of vermin and rodent infestation.
- L. Smoke Detectors and Carbon Monoxide Alarms
  - 1. Each dwelling unit must have at least one battery-operated or hard-wired smoke detector, in proper operating condition, on each level of the dwelling unit, including basements but excepting crawl spaces and unfinished attics. Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Codes 907.2.11.1 and 907.2.11.2.
  - 2. Carbon monoxide alarms must be installed according to State Fire Code Chapter 211.
- M. Occupancy Limitations
  - 1. Every sleeping room must have a minimum ceiling height of 7 feet. Every sleeping room occupied by one adult person shall contain a minimum of 70 square feet. Every sleeping room occupied by two adults shall contain a minimum of 120 square feet. No dwelling unit may be occupied by more than two adults in a one-bedroom unit, four adults in a two-bedroom unit and for three bedroom units and above, no more adults than the number of sleeping rooms plus one. For purposes of this section, an adult is someone 18 years of age or older who is not currently attending high school. There is no limitation on occupancy for children.

### **160.03 OFF-STREET PARKING REGULATIONS**

All dwelling units shall provide off-street parking as described in Manchester Ordinance Chapter 165, Section 27.

- A. Multi-family rental structures that were built to code as rental units regarding parking at the time of construction, shall be considered legal, although non-conforming. The owner of any other dwelling unit that had no practical space or alternative for the off-street parking required on the effective date of enactment of this Chapter, may apply to the Board of Adjustments for a variance of this section.

### **160.04 REGISTRATION**

- A. All residential rental real estate located within the City of Manchester shall be registered with the City of Manchester by the owner of the property prior to renting such property to tenants as provided below:
  - 1. Registration shall consist of completing both a registration application and a self-inspection form and submitting those forms to the City with the registration fee. The information contained in both forms shall be certified true and correct to the best knowledge of the applicant. The registration application and self-inspection form shall be maintained in the City records and available for public inspection. The registration application and self-inspection form information must be updated by the owner whenever the information provided in these documents has changed. No fee shall be payable for updating a current registration application and self-inspection form.

2. Based upon a review of the application and self-inspection form, and an initial inspection if requested, the Code Enforcement Officer shall determine whether the property is in substantial compliance with the Manchester Rental Housing Code. If the property is in compliance, a Rental Permit shall be issued. If the property is inspected and the inspection report shows deficiencies, but those deficiencies do not render the unit unsafe or unfit for occupation and use, a Rental Permit shall be issued, but the owner shall have 60 days to correct any deficiencies identified. If the inspection shows deficiencies that render the unit unsafe and unfit for occupation and use, no Rental Permit shall be issued until such deficiencies have been remedied.
3. The fee due upon initial registration shall be established by resolution of the City Council and is initially established below:

Single unit	\$20 per structure
Structures with multiple units	\$20 per structure/\$3 per unit
Rooming house	\$20 per structure/\$3 per unit
4. Renting a residential rental dwelling unit to a Tenant without registering and without receiving a Rental Permit for said unit, shall be a violation of this Ordinance and punishable as a municipal infraction as provided herein under Section 160.08.
5. No fees shall be charged for Registration that is filed before July 1, 2019.
6. A Nonprofit corporation may apply for a waiver of registration requirements. Such waiver may be granted by the City Council if it is determined that other federal or state regulations applicable to the corporation are sufficient to ensure compliance with the requirements of this chapter.

**160.05 INSPECTION**

All residential rental property located within the city limits of Manchester shall be subject to inspection by a City Code Enforcement Officer as provided below:

- A. The owner of residential rental housing shall schedule and have completed an inspection prior to receiving a Rental Permit if an initial inspection is requested by a City Code Enforcement Officer, or within sixty (60) days of receiving Notice to Schedule Inspection from a City Code Enforcement Officer, if a Rental Permit has already been issued.
- B. If the inspection reveals that the property is not in compliance with the Manchester Rental Housing Code, the inspector shall provide the owner with a copy of the inspection report specifying the improvements or repairs required in order to bring the inspected property into compliance. The owner shall have sixty (60) days to bring the property into compliance. A re- inspection shall be completed within sixty (60) days of the initial inspection unless such inspection is waived by the City Code Enforcement Officer.
- C. Except in the case of complaints regarding compliance with the Code, no residential property shall be inspected more frequently than every three (3) years. An inspection may be ordered in any situation where a credible complaint has been made with regards to a property subject to this Code.
- D. Residential real estate shall not be rented to, nor shall a tenant be allowed to occupy residential rental housing, if an inspection report indicates that the property is unsafe, unsanitary or unfit for occupation and use. If the inspection report shows deficiencies that do not render the unit unsafe and fit for occupation and use, the unit may continue to be rented and a tenant allowed to occupy, but the owner shall have 60 days to correct any deficiencies identified. Failure to correct the identified deficiencies within the time allotted shall be a violation of the Code and shall be a basis for revocation of the Rental Permit.
- E. The owner shall pay inspection fees as established by the City Council by Resolution, with the initial fees established as follows:

Dwelling Unit	\$50 per unit
Fee for re-inspection	\$75 per unit
- F. Request for Inspection.
  1. When an inspection is made at the request of the owner, an inspection fee shall be charged.

2. If an inspection is made at the written request of a tenant and the dwelling is found to be in noncompliance, due to an omission of the owner, such owner shall be responsible for the re-inspection.
3. No inspection shall be conducted at the request of a tenant unless the tenant has first submitted his/her complaint, in writing, to the landlord, no less than four (4) business days before making such complaint to the City.
4. If, after a written complaint by the tenant, the dwelling is found to comply, or if such noncompliance is due to conduct on the part of the tenant, the tenant shall be liable for making the dwelling compliant. The tenant will be responsible for any re-inspection fees.
5. If such costs are not paid by the tenant within thirty days from the date of billing, the City may initiate an action in law or in equity to recover the same, in which event the tenant shall be liable for reasonable attorney fees. No fee shall be charged to the owner for such inspection.
6. In the event an inspection is initiated by the City or at the request of a person other than the owner, and if the building is found to be in noncompliance, the owner shall be liable for such re-inspection fees following work done to make the dwelling compliant.
7. In the event that on the date of the initial inspection the building complies with the provisions of this Chapter, no fee shall be charged.
8. In the event that on the date of inspection a dwelling fails to comply with the provisions of this Chapter, which necessitates additional inspections, the owner shall be liable for the cost of such re-inspections.
9. All fees required under this Chapter shall be paid prior to the issuance or renewal of the Rental Permit.

#### **160.06 CONTRACT PROPERTIES**

Any property sold by real estate contract and occupied by the contract vendee will be considered as a rental dwelling, subject to this Code, unless the real estate contract has been recorded with the County Recorder.

#### **160.07 H.U.D. INSPECTION CERTIFICATION**

Any properties that have a current HUD, or other federal government inspection certificate, will be required to be registered, but shall be exempt from routine rental housing inspection. It will remain subject to inspection based upon complaint. If the property is no longer utilized or enrolled in the HUD or other program, it will be thereafter be subject to routine housing inspection under this Code.

#### **160.08 RENTAL PERMIT REQUIRED**

- A. The Rental Permit shall be a document establishing satisfactory compliance with the Manchester Rental Housing Code at the time of issuance and shall be valid for a period of three (3) years from the date it is issued. The Rental Permit shall state the date of issuance, Permit number, owner of the property, address and unit numbers of the structure to which it is applicable, number of approved adults and sleeping rooms, and its expiration date.
- B. If a Rental Permit is not issued, all residential dwelling units and rooming units being occupied by a person(s) who are not the record owners of the dwelling may be ordered vacated and the collection of rent prohibited. Notice shall be served upon the owner and any such tenant or occupant that the unit shall be vacated and rent not payable until such time as said residential dwelling is in compliance with the Manchester Rental Housing Code and a Rental Permit is issued. The permit shall not be required when the occupant is related to the owner within the first degree of consanguinity. (A first degree relative is a parent, child, or sibling.)
- C. The Rental Permit is not transferrable from an owner to a new purchaser. The new owner shall have 30 days from the date of transfer to submit a new registration application and self-inspection form. The fee for issuance of the transferred Rental Permit shall be the same as a new application.
- D. Prior to the expiration date of a Rental Permit, the owner must submit an application for renewal of the Rental Permit. The owner must submit a new self-inspection form to note any changes to the dwelling unit. There is no fee for renewal of the Rental Permit.

### **160.09 MEDIATION**

Any owner of a dwelling unit who wishes to have a review of any formal determination of a City Code Enforcement Officer (hereafter Officer) regarding the alleged violation of any section herein, shall be offered an opportunity for mediation regarding the Officer's findings prior to further enforcement of the findings by civil action in court under the following provisions:

- A. A request for mediation must be submitted in writing to the City Clerk within ten (10) business days of the date of the letter from the Officer.
- B. The request for mediation must identify the findings that the owner contests.
- C. The City shall schedule within thirty (30) days mediation involving the landlord and Officer with two persons drawn from a list of rental property owners/managers who have indicated their willingness to participate as a mediator on any Registration Application filed with the City in compliance with this Ordinance, the City Manager, and one member of the Manchester City Council.
- D. The group shall meet at a time and place set by the City Clerk.
- E. Mediation shall take place regarding the contested findings and may, if appropriate, result in a modification of the findings.
- F. An owner of a dwelling unit who elects mediation under the terms of this ordinance shall waive the right to Reconsideration under Section 160.10 below and the Right to Appeal under section 160.11 below. Such election shall not prohibit judicial review under section 160.12 below.

An agreement reached in mediation shall preclude either party from contesting that issue in any further proceedings. The owner shall not be precluded from contesting any municipal infraction in court regarding any issue that is not resolved in this mediation. The fact that either party has participated in mediation, nor any statements made during the discussion taking place in the mediation, may be used by either party to support its position in court.

### **160.10 RECONSIDERATION**

- A. Any person aggrieved by a notice or order issued pursuant to this chapter may apply for a reconsideration of such notice or order within ten (10) business days after it has been issued. The appeal is sent to the City of Manchester, Building Official/Zoning Administrator, 208 E Main Street, Manchester, Iowa 52057 (563.927.3636). This must indicate that the compliance officer has incorrectly interpreted a requirement of the code. The appeal must be completed on an appeal form. A filing fee will be charged as determined by the fee schedule approved by the City Council. Appellant will be notified of the hearing date, time and location upon receipt of a compliant appeal application. The appeal will be heard by the Appeal Board.
- B. The appropriate authority shall set a time and place for an informal conference on the matter within ten (10) business days of the receipt of such application, and shall advise the applicant in writing of such time and place.
- C. At the information conference, the applicant shall be permitted to present to one or more representatives of the appropriate authority, the grounds for believing that the notice or order should be revoked or modified.
- D. Within ten (10) business days following the close of the informal conference, the appropriate authority shall advise the applicant whether or not the notice or order will be modified or set aside.

### **160.11 APPEAL TO APPEALS BOARD**

- A. Any person aggrieved by a notice or order issuance pursuant to this Chapter, or after an informal conference on reconsideration, may file a petition with the Appeals Board setting forth the reasons for contesting such notice or order. Such petition shall be filed within ten (10) business days after the notice or order is issued or ten (10) business days after the results of the informal conference on reconsideration.
- B. Upon receipt of a valid petition, the Appeals Board shall grant the hearing requested and shall advise the petitioner in writing of the date, time and place of the hearing within thirty (30) days of the day on which the petition was received. If such hearing is granted, it shall occur within sixty (60) days of the date of petition therefor, and written notice thereof shall be given to the petitioner not more than thirty (30) days

or less than ten (10) business days prior thereto. At the hearing, the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn or why the period of time permitted for compliance therewith should be extended.

- C. The Appeals Board shall have the power to affirm, modify or revoke the notice or order and may grant an extension of time for the performance of any act required pursuant thereto.

#### **160.12 JUDICIAL REVIEW**

Any person who has sought and who claims to be aggrieved by the final decision of the Appeal Board may obtain judicial review by filing a petition for writ of certiorari in a court of competent jurisdiction within thirty (30) days of the announcement of such decision praying that the decision be set aside in whole or in part. A copy of each petition so filed shall be forthwith transmitted to the Appeal Board, which shall file in a court a record of the proceedings upon which it based its decision. Upon the filing of such record, the court shall affirm, modify or vacate, in whole or in part, the decision. The finding of the Appeals Board with respect to questions of fact shall be sustained if supported by substantial evidence on the record, considered as a whole.

#### **160.13 CIVIL PENALTIES**

Any violation of any duty or requirement under the Manchester Rental Housing Code shall be charged as a municipal infraction as provided in Chapter 4 of this Code.