

MARION HOUSING CODE

PLANS OF INSPECTION

(As amended by Council June 8, 2023)

I. INTRODUCTION

The Marion Housing Code requires that Plans of Inspection be developed and presented to the City Council for adoption as part of the City's Housing Inspection Program, as mandated by the Code of Iowa. These Plans of Inspection are applicable to the inspection of all dwelling units, subject to the provisions of the Marion Housing Code, including:

- The regular inspection of all rental dwelling units, rooming houses, congregate housing, and independent group residences.

II. LANDLORD LICENSING AND RENTAL REGISTRATION

The purpose of the landlord license is to maintain an accurate database of landlords in the City of Marion. The rental registration is used to maintain a database of rental properties. The cost of these processes is listed on the fee schedule, "Housing Code Table of Fees".

- Operating as a landlord or renting a unit as listed above without registration will result in a fee and possible suspension of landlord license if it is already possessed.
- Failure to pass a regular inspection within three (3) inspections may result in a suspension of a landlord license.
- Owning a nuisance property, as defined in the Marion Code of Ordinances Chapter 50, will result in a landlord license suspension.
- Failure to pay any fees imposed in accordance with these Plans of Inspection and the "Housing Code Table of Fees" in a timely manner will result in a suspension of a landlord license.
- Failure to obtain a landlord license is subject to the penalty as provided under Chapter 55 of the city of Marion's municipal code.

If a landlord license is suspended, the landlord will not be able to reinstate the license for six (6) months after the suspension occurred.

- While under suspension a landlord cannot register any new rental properties. All current properties are not affected by a suspension.
- License reinstatement requires an accredited class on landlord education, such as Marion's "Crime Free Housing" or Cedar Rapids "SAFE-CR".
- Registration fees for the accredited class will be credited to the reinstatement fees as stated in the "Housing Code Table of Fees".

- License reinstatement fees are as stated in the “Housing Code Table of Fees”, as adopted by the Marion City Council.

Landlord licenses and registration fees shall not apply to interim occupancy agreements associated with the purchase or sale of single-family residences unless the duration of the interim occupancy agreement is longer than ninety (90) days.

III. REGULAR INSPECTIONS – FREQUENCY

Regular inspection of all rental dwelling units will be conducted every two (2) years. If a dwelling unit is converted from owner-occupied to renter-occupied status, such unit is to be registered as a rental with the Housing Inspection Division within three (3) months after conversion and shall receive a regular inspection within six (6) months after conversion. If a new rental unit is constructed, such unit is to be registered as a rental with the Housing Inspection Division within three (3) months after issuance of the Certificate of Occupancy and the next regular housing inspection of such unit is to occur two (2) years after the issuance of the Certificate of Occupancy for that structure. These inspections are subject to fees as outlined in the “Housing Code Table of Fees” as adopted by the Marion City Council.

Regular inspections of all residential rental structures that contain 20 or more dwelling units and residential rental structures that contain fire alarm systems or automatic fire-extinguishing systems are to have an annual regular inspection of the structures common areas, primary mechanical and electrical service areas, fire alarm systems and automatic fire-extinguishing systems. Such inspections shall be conducted by the Marion Fire Department, using the current Fire Code as adopted by the City of Marion. These inspections are subject to fees as outlined in Chapter 164 of the Marion Code of Ordinances.

IV. REGULAR INSPECTIONS – NOTIFICATION

The City shall notify the property owner or designated agent of its intent to inspect a dwelling unit at least ten (10) business days prior to the date of inspection. Such notification shall be in the form of a letter and/or email correspondence with the owner or designated agent of a property. It is the responsibility of the property owner or designated agent to make the necessary arrangements with the tenants to permit entry into the unit.

It is the responsibility of the property owner to inform the Housing Inspection Division of any changes to mailing address to allow mail to be sent to the correct address. All out of state property owners must have a property manager within fifty (50) miles of the City of Marion.

If for any reason the property owner states that they did not receive notification of the inspection the mailing address will be verified, and certified letters will be sent for the next inspection. All certified mail fees will be assessed to the property owner.

The property owner or designated agent shall be allowed to reschedule regular inspections or re-inspections a maximum of two (2) times. Dates/times available for rescheduling will be subject to the availability of the Housing Inspector. An Administration Fee may be charged for each request to reschedule as stated in the "Housing Code Table of Fees".

In the case that a request to reschedule any inspection is made less than five (5) business days prior to the planned inspection date, the originally scheduled inspection will be considered a failed inspection and billed accordingly.

V. FORM OF INSPECTION

The Housing Code establishes performance requirements and acceptability criteria for the Housing Inspection Program. To assure uniformity and consistency in the housing inspection, a Housing Inspection Form will be used in the inspection of dwelling units.

If a dwelling unit complies with the housing quality standards, a Certificate of Inspected Housing shall be issued as provided in the Housing Code upon receipt of payment per the "Housing Code Table of Fees". If deficiencies or violations are detected as part of the housing inspection process, a notice of violation shall be issued as set forth in the Housing Code.

It is the intent of the City of Marion that the inspections of the Housing Inspector shall be coordinated as closely as possible with the inspection and enforcement procedures of other City agencies, including Fire Department, Police Department, and Building Department.

VI. REGULAR INSPECTION PROCESS

Every property used as a rental unit(s) has a total of three (3) inspections to get a Certificate of Inspected Housing. If any combination of failed inspections or no shows occurs, then the property will be posted DO NOT OCCUPY if building is vacant and NO CERTIFICATE OF INSPECTED HOUSING if occupied until the property can pass a regular inspection and receive the Certificate of Inspected Housing.

After the 3rd failed inspection additional fees for municipal infractions shall be issued in accordance with the City of Marion's policies.

During an inspection there shall be a representative of the property owner or designated agent, or the tenant, on site during the inspection.

- If the property owner lives outside the state of Iowa, the owner must have a property manager within fifty (50) miles of Marion that can be present during inspections and manage complaints on a property.

Definition of what qualifies as an inspection No Show:

- a) A representative of the property owner or designated agent, or the tenant, are not at the property to allow access for the inspection.
- b) The tenant at the property was not informed of the inspection at least 24 hours prior to the inspection.
- c) The tenant at the property at the time of the inspection is not over the age of 18 and no adult is present.
- d) If property owner or designated agent reschedules an appointment for inspection with less than five (5) business days of notice.

Standard timeline for correcting housing violations: For imminent life safety issues the violation will be required to be corrected immediately. Any routine/normal maintenance issues will be provided 30 days to correct and be reinspected. Any repair that would require a building permit be obtained in order to do the work will be provided the life of the issued building permit to complete. A Certificate of Inspected Housing may be issued while repairs requiring a building permit are pending at the discretion of the Housing Official.

Exceptions may be made for property conditions that involve exterior repairs during seasonal inclement weather.

VII. COMPLAINTS

The Housing Inspector or Code Compliance Coordinator shall investigate all complaints alleging a violation of the Housing Code. All such verified complaints shall be registered in the City Community Development software.

It is the policy of the City of Marion to investigate all complaints within an appropriate amount of time of receipt of the complaint.

The code violations shall be processed in accordance with the provisions set forth in the Marion Code of Ordinances, additionally any applicable fees shall be charged as stated in the "Housing Code Table of Fees". A code violation that goes unremedied may result in the City pursuing remedies including posting the premises as condemned or for non-occupancy, suspension of the landlord license, a municipal infraction, abatement, a simple misdemeanor or any other remedies allowed pursuant to the Marion Code of Ordinances.

The Housing Inspector, Code Compliance Coordinator, or designated representative shall attempt to notify the property owner or agent by email

correspondence, telephone, or by personal contact (any verbal or non-written communication shall be followed up with a written confirmation) that a complaint has been filed with the City alleging housing code violation(s) and that the City intends to inspect the dwelling in question. The property owner or designated agent shall be advised of the time and date of the inspection and shall be given an opportunity to accompany the inspector on the inspection. In the event that contact cannot be made with the property owner or designated agent within the twenty-four (24) hour notice requirement, the property owner or designated agent shall be notified in writing that the complaint has been filed with the City and that the inspection has been conducted.

All the items below are required to constitute a Confirmed Complaint:

- A Housing Code Violation is found.
- Tenant has provided written proof of maintenance request to property owner and/or designated agent.
- Tenant has allowed acceptable time for property owner and/or designated agent to make necessary repairs.
- The Housing Inspector has verified that the complaint has not been repaired.

Nothing in this policy precludes the Marion Building Department from sharing information relating to code violations with other relevant City departments, including the Marion Fire Department or the Marion Police Department. Likewise, nothing in this policy precludes the Marion Fire Department or Marion Police Department receiving and/or investigating alleged violations of the Marion Code of Ordinances pursuant a policy specific to that department. The Marion Building Department, Marion Police Department, and the Marion Fire Department may choose to share information relating to code violations in order to determine the best policy for processing the complaint.

VIII. VACANT OR EVICTION PROPERTIES

If a property becomes vacant or is involved in an eviction process, then the inspection can be pushed back ninety (90) days from the original inspection to allow for cleanup and repair of the property. The Housing Inspection Division must be notified prior to the inspection, or it will be treated at a normal inspection including possibility of failing the inspection. This is the only time an inspection can be changed within five (5) working days of the scheduled inspection. After ninety (90) days the inspection will take place and if the property does not pass the inspection, it will follow the procedures of a regular inspection or be moved to a vacant building status. Vacant buildings shall be inspected prior to occupancy and all fees in place according to the "Housing Code Table of Fees" shall apply. Buildings which remain vacant for more than one hundred eighty (180) days shall

be registered as such. The cost of these processes is listed on the fee schedule, "Housing Code Table of Fees".

IX. RIGHT TO APPEAL

Any person aggrieved by a written notice from the City issued in connection with any alleged violation of the Housing Code or an applicable rule or regulation issued pursuant thereto, or by an order requiring repair or demolition, has the right of appeal to the Nuisance Enforcement Property Maintenance Advisory Board, as provided in the Marion Code of Ordinances. Notices of violation to property owners shall advise property owners of this right of appeal. Appeal fees shall be paid according to the "Housing Code Table of Fees" as adopted by the Marion City Council.

X. MONTHLY REPORTS

The Housing Official shall submit monthly reports to the City Council describing monthly and cumulative actions taken with respect to the enforcement of the Marion Code of Ordinances as it relates to property compliance. Such monthly reports shall contain the following information: regular inspections performed; inspections initiated by complaints; re-inspections; correction of violations obtained; other inspections performed (nuisance violations, zoning violations, etc.); and such other relevant information as may be deemed appropriate by the Housing Official or requested by City Council.

XI. PUBLIC NOTICE

Before making significant changes to the Marion Housing Code Plans of Inspection, a public notice advertising changes to these plans shall be published and/or read in a public hearing.