

## Section 350 - Rental Housing

### 350.01 Definitions.

1. **Rental housing unit** - when used in this Section shall mean any building or structure, or portion thereof, which is designed, built, remodeled, rented, leased, or let or hired out to be occupied, or which is occupied as a home or residence of a person or persons other than the owner or purchaser of record. The term shall include sleeping rooms in such structures but shall not include licensed motel or hotel rooms customarily rented on a daily basis. The term shall not include nursing home facilities or care center facilities that are regularly licensed and inspected by state health agencies; nor shall it include any facilities owned or managed under the auspices and direction or control of the U.S. Department of Housing and Urban Development, nor shall it include any unit occupied by an immediate family member.

2. **Immediate Family Member** - For the purposes of this section immediate family member shall mean parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew or niece. This relationship may be either by blood or by marriage.

(Am. Ord. 15-02, passed 3-23-15)

**350.02 Inspector.** The City shall appoint a person to be the housing inspector for the City, who shall have as part of his/her duties, the inspection and reporting on rental units as required by this Section.

**350.03 License.** It shall be unlawful for any person to conduct or operate or cause to be operated either as owner, lessee, agent or in any other capacity within the City, any rental

housing as defined in this Section without having first obtained a license or temporary certificate to do so as provided in this Section.

**350.04 Application.** The owner of each rental housing unit shall make written application to the City Clerk-Treasurer for a license on a form to be supplied by the City and containing such information as necessary to administer and enforce the provisions of this Section and the minimum standards of the Uniform Housing Code.

The legal owner of record of such rental housing unit, including any contract purchaser thereof shall make written application to the City Clerk-Treasurer for a license as provided in this Section prior to any initial occupancy, and prior to license renewal. Every applicant for a license shall assist the City in making an inspection of all portions of the building, including the notification to building occupants of the time of the inspection and requesting their cooperation during the course of the inspection.

**350.05 Issuance of Temporary Certificate.** Upon receipt of a completed application for a license, the payment of necessary fees as set forth in this Section the City Clerk-Treasurer shall issue a Temporary Certificate indicating that a license has been duly applied for and that such license shall be issued or denied after the building has been inspected for compliance with the minimal provisions of the Uniform Housing Code, including those set forth in the minimum standards for rental housing in New Richland which are incorporated into and made a part of this Section by reference. The Temporary Certificate as issued shall authorize continued occupancy, without penalty, of such dwelling units in actual existence and use on the effective date of this Section, pending the issuance or denial of the applied for license. No structure intended for use as a rental housing unit shall be occupied for human habitation without the license or temporary

certificate described in this Section.

**350.06 Issuance of License.** If upon completion of the inspection of the building and habitable portions thereof, it is found that the minimum requirements of the Uniform Housing Code have been met, a license shall be issued. Unless there has been a change in ownership, no inspection shall be required nor inspection fee charged for three years after the issuance of a license unless a complaint of a violation has been made or the housing inspector finds deficiencies. When ownership changes, a transfer of the license under § 350.08 is required.

If the housing inspector finds Code deficiencies, either at the time of license application or when a complaint of a violation has been made, he or she shall list the deficiencies, note necessary corrections, and give these findings to the building owner and all occupants with a notice to correct the deficiencies within a reasonable period of time, however, not to exceed ninety (90) days from issuance of the notice described above. If, upon reinspection, the housing inspector finds that the requirements of the Code have still not been met, a written denial specifying the defects shall be transmitted to the applicant. When a license has been denied, expired, suspended, or revoked as provided in this Section, no further rental and occupancy of dwelling units then vacant or which may become vacant shall be permitted until a license has been issued. Units occupied that are not licensed, based on the license being either expired, revoked, or suspended or denied shall be vacated by the occupants, within 30 days of the receipt by the occupant of notice of the expiration, suspension, revocation, or denial of the license.

The units within a structure which are in compliance with the Uniform Housing Code minimal requirements may continue on condition that units in other portions of the structure in non-compliance do not create an immediate hazard to the health and safety to the persons in the

occupied units. The extended occupancy may continue until final denial of the license and noncompliance is acted upon by the City Council.

The housing inspector for the city shall make an inspection of a licensee's rental units once every three years, unless there has been a complaint of a violation and the housing inspector has found Code deficiencies. Within one year after the code deficiencies have been corrected, there shall be an inspection and if no deficiencies are found, no other inspection shall be made nor inspection fees charged until three years from the date of the inspection, unless a complaint is made or the ownership of the property has changed. Before a transfer of a license under ° 350.08 shall occur, there shall be an inspection and any deficiencies shall be corrected as provided in this subsection.

**350.07 Expiration.** All licenses issued under this section shall be for a period of one year. The license period shall begin on April 1 and shall expire on March 31. A temporary certificate may be issued for a period of up to 12 months from the date of its issue, or until a proper license has been applied for and approved or denied.

**350.08 Transfer.** No license nor any temporary certificate, issued under this Section shall be transferrable except by application to the City Clerk-Treasurer and a report and recommendation of transfer by the City housing inspector. No refunds shall be made for unused periods on any license.

**350.09 Suspension and Revocation.** A license or temporary certificate once issued or reissued may be suspended upon a finding by the housing inspector that one or more of the requirements of this Section has been violated. Upon failure of the licensee to comply with a notice of violation, the license may be revoked by the City Council on recommendation of the housing

inspector.

Suspended licenses may be revalidated upon meeting the requirements of this Section with payment of 50% of the applicable license and inspection fee. Issuance of a new license after revocation shall be subject to a payment of the full amount of applicable license and inspection fees.

**350.10 Display.** Licenses or temporary certificates issued under this Section shall be displayed on the premises of the structure wherever feasible and produced on demand by any tenant or prospective tenant, and shall be available at reasonable times for inspection by the housing inspector, or any law enforcement officer.

**350.11 Fees.** At the time of application the City Clerk-Treasurer shall collect the appropriate license and inspection fee in accordance with the following schedule:

Annual License Fee:	\$25.00	One Building ;
	\$20.00	Additional Buildings (owned by same landlord)
Inspection Fee:	\$50.00	1st Inspection (each for 1 - 4 units)
	\$25.00	1st Inspection (each for 5 or more units)
	\$25.00	All re-inspections (each)

For license periods after August 1st to March 31 st, the license fee will be 50% of regular fee and all inspection fees will be as noted above. (Am. Res. 03-22, passed 10-14-03)

**350.12 Terms.** It shall be unlawful for any lessor to rent a rental housing unit to a tenant in

violation of this Section, whether such occupancy is for a tenancy at will or by written lease.

To continue the license on any rental unit, it shall be the responsibility of the license holder to cause the unit occupants to conduct themselves in a manner as to not cause the premises to be disorderly.

Upon determination that the licensed premises were used in a disorderly manner, the City Clerk-Treasurer shall notify the license holder by mail of the violation and direct the license holder to take all necessary steps to prevent further violations.

If a second instance of disorderly use of the premises occurs within 12 months of the previous determination, the license holder shall be notified of the second instance and shall also be required to submit a written response detailing the actions taken by the license holder to eliminate future disorderly use of the premises. This report shall be submitted to the City Clerk-Treasurer of the City, and conveyed to the City Council. If a third instance of disorderly use of the premises occurs within 12 months of the first determination, the rental housing unit license or temporary certificate may be revoked or suspended by the City Council. No suspension or revocations shall be considered by the City Council without first giving the license holder notice of the meeting at which such action shall be considered and the license holder has an opportunity to respond.

The suspension or revocation maybe for all units in a given building or complex of buildings. After suspension or revocation, the City Council may reissue the license or temporary certificate if substantial improvements are made to correct problems causing the suspension or revocation and the license holder pays to the City a reinstatement fee of \$50.00.

**350.13 Violations.** Violation of this Section 350 shall be a petty misdemeanor. Second or subsequent violations of this Section 350 in a 5 year period shall be a misdemeanor.