

CITY OF MARION, IOWA
HOUSING INSPECTION PROGRAM
PLAN OF INSPECTION
(as amended April 18, 2019)

I. INTRODUCTION

The Marion Housing Code requires that a plan 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. This plan of inspection is 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.
- The inspection of all residential dwelling units, including owner-occupied units, contained within the City of Marion upon complaint.

II. LANDLORD PERMITTING/ RENTAL REGISTRATION

The purpose of the landlord permit is to maintain an up to date 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 of Fees".

- Operating as a landlord or renting a unit listed above without preregistration will result in a fine and possible suspension of landlord permit if it is already possessed.
- Failure to pass a regular inspection within four (4) inspections will result in a suspension of a landlord permit.
- Having five (5) or more valid complaint violations of a single property within two (2) year inspection cycle will result in a suspension of a landlord permit. Any violation that is appealed and won does not count against the Five (5) violation max.
- Having two (2) or more municipal infractions confirmed by court order, admission to the nuisance board, or other agreement/stipulation between the property owner and any City department for a single property within a two (2) year inspection cycle will result in a suspension of a landlord permit. Any nuisance which is admitted, but corrected within the time limits stated on an order to abate or given by the Nuisance Board will not count against the five (5) violation max, so long as no municipal infraction citation is filed with the Court.

If a landlord permit is suspended, they landlord will not be able to reinstate the permit 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.
- Permit reinstatement requires an accredited class on landlord education, such as Marion's "Crime Free Housing" or Cedar Rapids "SAFE-CR".
- Registration fees will be credited to the reinstatement fees as stated in the Housing Code Table of Fees.
- Permit reinstatement fees as stated in the "Housing Code Table of Fees", as adopted by the Marion City Council.

III. COMPLAINTS

The Housing Inspector or Code Compliance Coordinator shall investigate all complaints alleging a violation of the Housing Code. All such complaints shall be registered on a complaint form.

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 violations identified because of complaints shall be processed in accordance with the provisions set forth in the Housing Code.

The Housing Inspector, Code Compliance Coordinator, or designated representative shall attempt to notify the property owner or agent by telephone personal contact, or regular mail 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 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 owner or agent within the twenty-four (24) hour notice requirement, the owner or 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 registered agent.
- Tenant has allowed acceptable time for property owner/agent to make necessary repairs.
- The Housing inspector has verified that the complaint has not been repaired.

IV. 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 reported as rental to 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 reported as rental to the Housing Inspection Division within three (3) months after issuance of the Certificate of Occupancy and the regular housing inspection of such unit is to occur three years after the issuance of the Certificate of Occupancy for that structure.

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.

V. NOTIFICATION OF REGULAR INSPECTIONS

The City shall notify property owners of its intent to inspect a dwelling unit at least five (5) Business days and prior to the date of inspection. Such notification shall be in the form of a letter or telephone communication with the owner or designated agent of a property. It is the responsibility of the property owner 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 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 he did not receive notification of the inspection the address will be verified, and certified letters will be sent for the next inspection and the extra cost will be accessed to the property owner.

The property owner shall be allowed to reschedule regular inspections or reinspection subject to availability of the Housing Inspector and as mutually agreed by the property owner and the Housing Inspector. Regular inspections or reinspection rescheduled to a date later than the date specified by notification as specified above shall be considered a failed inspection, unless rescheduling is made five (5) business days prior to the inspection date.

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

VI. 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 Certification of Inspected Housing shall be issued as provided in the Housing Code. 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.

VII. REGULAR INSPECTION PROCESS

Every property used as a rental has a total of four (4) inspections to get a Certification of Inspected Housing. If any combination of failed inspections or no show occurs, then the property will be posted to not occupy until the property can pass a regular inspection and receive the Certification of Inspected Housing.

After the first inspection additional fees for municipal infractions may be issued in accordance with the City of Marion's policies.

During an inspection there shall be a representative of the property owner/ manager, or tenant shall be 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:

- Property owner/ manager or tenant are not at the property to allow access for the inspection.
- The tenant at the property was not informed of the inspection at least 24 hours prior to the inspection
- The tenant at the property at the time of the inspection is not over the age of 18 and no adult is present
- If owner/manager reschedule an appointment for inspection with less than 5 business days of notice.

Below is the timeline for housing violation corrections

Imminent Life Safety	Immediate Correction Action
Routine/ Normal Maintenance	30 Day to complete and reinspect
Seriously Deferred Maintenance	90 Days to complete and reinspect
Weather/ Seasonally Dependent	180 Days to complete/ Negotiated and reinspect

VIII. VACANT OR EVICTION PROPERTIES

If a property become vacant or is involved in an eviction process, then the property can be pushed back ninety (90) day 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 with in five (5) working days of the scheduled inspection. After ninety (90) days the inspection will take place 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.

IX. RIGHT TO APPEAL

Any person aggrieved by a written notice of 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 the Housing Code Board of Appeals, as provided in the Housing Code. Notices of violation to property owners shall advise property owners of this right of appeal.

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 Housing Code. Such monthly reports shall contain the following information: Regular inspections performed; inspections initiated by complaints; reinspection; 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 Council.

XI. PUBLIC NOTICE

- a. Before making significant changes to the Plan of Inspection, a public notice advertising changes to this plan shall be published and/or read in a public hearing.