

Ordinance 991

CHAPTER 91  
RENTAL HOUSING CODE

SECTIONS:

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**Sec. 91.1**     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.

**Sec. 91.2**     Housing Quality Standards.

This section sets forth the minimum housing quality standards (HQS) for rental housing subject to the Waverly 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) Gutters and downspouts must not be missing, loose or disconnected.

(8) 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.**

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.**

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.**

The dwelling unit and its equipment must be in sanitary condition and free of vermin and rodent infestation. Units must be supplied with garbage and recycling containers.

**(L) Smoke detectors.**

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 Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system, designed for hearing-impaired persons as specified in NFPA 74 (or successor standards).

**(M) Occupancy Limitations.**

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.

**(N) Accessory Structures.**

Garages, sheds and other accessory structures must be maintained in good condition. Walkways and sidewalks must be maintained in good repair.

**Sec. 91.3 Off-Street Parking Regulations.**

All dwelling units shall provide off-street parking as provided herein:

(a) Single or duplex dwelling units require a minimum of two spaces for each dwelling unit; three spaces for dwelling units with three bedrooms and four spaces for dwelling units with four or more bedrooms.

(b) Structures with multiple dwelling units require one space for each efficiency (studio) unit; one and one-half space for each one bedroom unit; two spaces for each two or more bedroom unit.

(c) Multiple dwellings for the elderly and disabled require three-quarters space per unit.

(d) Outside parking spaces in the R-3 and R-4 Multi-Family Districts shall contain a minimum of 240 square feet per space. Enclosed parking stalls in the R-3 and R-4 Multi-Family Districts shall contain a minimum of 240 square feet per space and a maximum of 340 square feet per stall.

(e) No one shall use more than one third of a front yard for off-street parking.

(f) 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. For one year from the effective date of this Ordinance, any owner may petition the Board of Adjustments for a variance without the normal fee for said application.

**Sec. 91.4      Registration.**

All residential rental real estate located within the City of Waverly shall be registered with the City of Waverly by the owner of the property prior to renting such property to tenants as provided below:

(a) 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.

(b) 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 Waverly 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.

(c) The fee due upon initial registration shall be established by resolution of the City Council and is initially established below:

1.	Single unit	\$20 per structure
2.	Structures with multiple units	\$20 per structure/\$3 per unit
3.	Rooming house	\$20 per structure/\$3 per unit

(d) 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 91.8.

**Sec. 91.5      Inspection.**

All residential rental property located within the city limits of Waverly 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 Waverly 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	\$125 per unit
Fee for re-inspection	\$75 per unit

**Sec.91.6      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.

**Sec. 91.7     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.

**Sec. 91.8     Rental Permit Required.**

(a) The Rental Permit shall be a document establishing satisfactory compliance with the Waverly 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 and/or rented by an owner without such Rental Permit may be ordered vacated or 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 Waverly Rental Housing Code and a Rental Permit is issued.

(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.

**Sec. 91.9     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 10 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 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 Administrator, and one member of the Waverly 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.

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.

**Sec. 91.10 Civil Penalties.**

Any violation of any duty or requirement under the Waverly Rental Housing Code shall be charged as a municipal infraction as provided in Chapter 23 of this Code.

Passed and Adopted the 19th day of January, 2015.

Charles D. Infelt, Mayor  
Charles D. Infelt, Mayor

ATTEST:

Carla Guyer  
Carla Guyer, City Clerk

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