

Date September 14, 2009

CONTINUED RESOLUTION LEVYING ASSESSMENTS FOR FEES, FINES, PENALTIES,
COSTS AND INTEREST IMPOSED IN THE ENFORCEMENT OF THE NEIGHBORHOOD
INSPECTION RENTAL CODE AND PROVIDING FOR THE PAYMENT THEREOF
(Schedule No. 2009-02, Activity ID 20-2010-009)

WHEREAS, on August 24, 2009, under Roll Call Number 09-1535, the City Council deferred and continued further action to September 14, 2009, regarding levying assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code and providing for the payment thereof (Schedule No. 2009-02, Activity ID 20-2010-009), and also requested the City Manager to provide a complete list of fees, fines and charges regarding rental inspections, and

WHEREAS, the fees, fines, penalties, costs and interest itemized in the accompanying schedule have been imposed by the City upon the owners of rental property in the enforcement of the Neighborhood Inspection Rental Code; and,

WHEREAS, each of the owners of the rental property listed in the accompanying schedule have been given notice of the following:

- The amount due from them for the fees, fines, penalties, costs and interest identified in such schedule;
- Their right to appeal the calculation of the amounts due, and the process to make such appeal;
- That if the total amount due from them was not paid within thirty days of when due, or in the event of a timely appeal if not paid within 10 business days of final action on that appeal by the Housing Appeals Board, then:
 - The owner will be charged a late payment penalty in the amount of \$25.00;
 - Interest shall thereafter accrue on the unpaid balance at the rate of 1.5% per month; and,
 - That the City may certify the unpaid balance, accrued interest and late payment penalty to the County Treasurer for collection against the rental property in the same manner as a property tax; and,

WHEREAS, more than 30 days has expired from the date each of the fees, fines, penalties, and costs itemized in the accompanying schedule were originally due, and more than 10 business days has expired from the date of final action by the Housing Appeals Board on any appeals that were timely taken from the calculation of the amounts due; and,

WHEREAS, the fees, fines, penalties, costs and interest itemized in the accompanying schedule remain unpaid; and,

WHEREAS, the City Council of the City of Des Moines desires to exercise the authority granted to it by Iowa Code §364.17 to certify the fees, fines, penalties, costs and interest itemized in the accompanying schedule as a lien against the rental property for collection in the same manner as a property tax; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

Date September 14, 2009

1. That the accompanying *Schedule of Fees, Fines, Penalties, Costs and Interest Imposed in the Enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2009-02, Activity ID 20-2010-009*, is hereby approved, confirmed and adopted with the amounts shown thereof assessed and levied against each property for collection in the same manner as a property tax.

2. That such assessments shall be payable in one installment; shall bear interest at the lesser of 1.5% per month or the maximum rate allowed by Iowa Code Chapter §74A; the one installment of each assessment shall become due and payable on July 10, 2010, and shall be paid at the same time and in the same manner as the September semiannual payment of ordinary taxes. However, said assessment shall be payable at the office of the County Treasurer of Polk County, Iowa, in full or in part and without interest within thirty days after the first date of publication of the Notice of Filing of Schedule.

3. The City Clerk is hereby authorized and directed to certify the accompanying schedule to the County Treasurer of Polk County, Iowa, and to publish the accompanying Notice of Filing of Schedule once each week for two consecutive weeks in the Des Moines Register. The first publication of said Notice shall be made within fifteen days after the date of such certification. On or before the second publication of the Notice the Community Development Department, under the direction of the City Clerk, shall send a copy of the Notice by mail to each property owner whose property is subject to assessment, as shown by the records in the office of the county auditor, all as provided and directed by Iowa Code Section 384.60.

Moved by _____ to adopt.

FORM APPROVED: Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

JEB

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

 Mayor

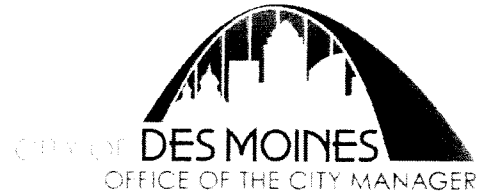
CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

September 11, 2009



The Honorable Mayor
and
Members of the City Council
City of Des Moines

Re: Item 12, September 14, 2009 Council Agenda –
Enforcement of the City’s Rental Housing Code

At the August 24, 2009 City Council meeting, Council Member Mahaffey requested a comprehensive report on the fees and processes associated with the enforcement of the City’s rental housing code.

Below is the requested information.

Rental Housing Inspection Fees:

Single Family, Mobile Home, Condominium Renewal Inspection	\$ 85.00
Single Family, Mobile Home, Condominium Initial Inspection*	\$120.00
Single Family, Mobile Home, Condominium Re- Inspection	\$ 53.00
Duplex Renewal Inspection	\$108.00
Duplex Initial Inspection*	\$142.00
Duplex Re-Inspection One Unit	\$ 53.00
Duplex Re-Inspection Two Units	\$ 68.00
Multiple Unit inspections renewal or initial = \$108 for the first 2 units + \$18.50 for each additional unit.	\$ 53.00
Multiple unit re- inspection one unit	\$ 68.00
two units + \$15 for each additional unit	
Rooming house inspection initial and renewal first two units	\$108.00
+ \$7.50 for each additional unit	
Rooming house re-inspection first unit	\$ 53.00
+ \$5.00 for each additional unit	
Housing Appeals Board Compliance Inspection**	\$200.00
Housing Appeals Board Appearance Inspection***	\$500.00

**Initial inspection means the very first time the property is inspected. In other words, it was not a rental property before and has not been inspected by Neighborhood Inspections personnel.*

***Compliance inspection means when a property is sent to the Housing Appeals Board but complies before the meeting date.*

****Appearance Inspection is when a property is sent to the Housing Appeals Board and does not comply before the meeting date.*

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This information outlines the fees, fines, and penalties levied by the Neighborhood Inspections Division (NID), the courts, and the Housing Appeals Board when dealing with rental housing inspections and violations of that code.

Penalty fines are levied by the Housing Appeals Board; landlords with violations are taken to the Housing Appeals Board because their properties do not satisfy the requirements of the rental code. The Board is not required to levee a fine; it can either grant the property owner more time to comply or can send the case to District Court without a fine. When the Board does levee a fine, it can be up to \$5 a day per violation, not to exceed \$5,000.

Fines for illegal rentals are levied by the courts through the civil infraction process. The maximum fine for a civil infraction is \$750. NID and Legal staffs have a long standing policy of not filing civil infractions on a person that may not know about the requirement for a rental certificate. Charges are only filed if the person has been previously advised of the code and thereafter failed to apply for a certificate, or if the person has other rental property and therefore there is a presumption that they have knowledge of code requirements

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,



Richard A. Clark
City Manager