



Eldridge Housing Code Frequently Asked Questions

Q: Why do we need a Housing Code? Proper maintenance of private property has been a part of all Quad Cities jurisdictions for many, many years through the International Property Maintenance Code. (IPMC) As the larger cities have implemented the requirements for landlord registration, rental unit permits and background checks on prospective tenants, some prospective tenants are having difficulty finding rental opportunities due to questionable information on their background checks. Many have begun seeking rentals in the outlying areas and a few are taking advantage of the honest and trusting landlords in these outlying areas such as Eldridge. When problems occur, these landlords request city services to assist them, increasing the costs of operating the City to taxpayers. These requirements allow landlords to make informed decisions about who they rent to, allows the City to inform landlords of incidents on their properties in a timely manner, maintains property values and helps reduce the long term costs of providing services by the City.

Q: When I rent to a new tenant, a written lease is required. What has to be in the lease? The following information is required to be included in a residential lease agreement:

1. The full name of all occupants of the dwelling unit;
2. The street address and unit number to be occupied;
3. The terms of the agreement including the amount of rent and when it is due.
4. The party responsible for utility costs;
5. The terms for the owners access to the dwelling unit, such as 24-hour notice, emergencies, and welfare checks;
6. The method for the operator and tenant to provide written notices to each other, including complete contact information for each party;
7. A notice to the tenants that it shall be a violation of the lease to commit any act or allow any activity to occur on the leased premises which violate any Federal, State, or local laws, regulations, or ordinances which are in effect or which may be enacted during the term of the lease or rental agreement;
8. A description of the arrangement or responsibilities for emergency relocation of tenant(s), if ever needed.

Q: All tenants over 18 years old under a lease dated after October 1st, 2017 are required to have a background check. Where can I have one done? The Eldridge Police Department is providing background checks for free and many private companies can be found on the internet. You can do the background check yourselves by searching on Iowa Courts Online and the National Sex Offender Registry as long as you print proof that the check was done and keep it for your records. This check may not provide information on people from outside of Iowa. The Eldridge Police background check is much more comprehensive- and it's free. It is highly recommended that you obtain a copy of a photo ID for verification of all prospective tenants to ensure they are who they say they are. Persons who have questionable information on their background checks have used the names of other people to trick landlords into renting to them. This has been done in the City of Eldridge recently and more than once.

Q: If a background check shows questionable information on someone I'd like to rent to, is the City saying I can't rent to them? As a landlord, you can rent to **ANYONE** you wish, regardless of the information shown on a background check. If a prospective tenant has been taken into court for back rent and evicted a dozen times, found guilty of multiple felons or has zero negative information the City of Eldridge has no say in who you rent to. The City requires landlords do background checks so that the decision of who to rent to is an informed decision. Any Landlord may rent to any tenant. Background checks are for landlord informational use only.

Q: What is considered a Residential Rental Unit? A structure containing one or more dwelling units, rooming units, or sleeping units which is not eligible for the Iowa Homestead Credit for tax purposes; also any structure or part of a structure used as a home, residence, or sleeping unit by a single person, household unit, or any person other than the legal owner of the property which is let, leased or rented from or otherwise occupied by permission of the owner or other person in control of such unit, whether by day, week, month, year or any other term, regardless of monetary exchange. The term Rental Unit or Residential Rental Unit may refer to a unit within a residential rental property, a single family dwelling, dwelling unit, rooming house, rooming unit or premises as the context requires.

The following exceptions are NOT residential rental units:

- a. Hotels and Bed and Breakfast Inns as defined by Chapter 137 of the Iowa Code.
- b. All facilities that are licensed or certified by the Iowa Department of Inspections and Appeals.
- c. Condominiums subject to private association agreements prohibiting use as a rental property.
- d. An owner occupied dwelling unit where all occupants live as one family unit, regardless of familial relationship. Interior door locks are of the non-key type and the kitchen, halls, storage and utility spaces are not segregated for separate use between occupants.

Q: What if I buy a house for my son or daughter to live in? If you own a dwelling unit that is lived in separately by a family member, it is a rental unit and requires registration even if you allow them to live there for free. **But it's my kid?!** Experience with property maintenance issues has shown that in situations where a parent must purchase another home to get their kids to move out, the son or daughter has a high probability of not having the skills necessary to adequately maintain a dwelling unit. Since fines will be levied against the parent as the owner, registration of the rental unit is required so we may keep you informed of any incidents that may occur on that property in a timely manner.

Q: What if I own a building and I live in a one of the rental units? For a Duplex, the unit lived in by the owner does not have to be registered but the other unit does, even if a family member lives there, even if they live there for free. For buildings with 3 or more units, all units must be registered including the unit the owner or manager lives in.

Q: Why don't you require inspections every year or two like other jurisdictions? The Housing Code has been specifically designed to set processes and requirements to avoid future issues without being overly burdensome to people who have made additional investments in our community by purchasing properties for use as rentals. Requiring inspections and inspections fees from landlords who operate utilizing all of the available tools because a few other landlords do not has the net effect of punishing landlords who operate within the law.

Q: When do I need an inspection? Inspections are done by request or complaint.

Q: Who can make a complaint? Anyone can make a complaint. Complaints cannot be made anonymously. Complainants must provide their name and contact information. The city is required to provide the names of complainants to the landlords if requested per the Freedom of Information Act. In the event there is a real and compelling fear of retribution per Iowa law, the information will be withheld from persons requesting the information and a copy of the Notice of Fear of Retribution shall be provided with private information blocked out.

Q: What does the City look for when performing a rental inspection? The Eldridge Housing Code sets minimum standards for residential dwelling units. Items like operable smoke detectors, openable windows with screens, proper egress, Ground Fault Protected outlets where necessary, peeling paint, sound wall coverings, structural integrity of foundations and other conditions will be checked. A more complete list of items can be found on the Eldridge Rental Inspection Checklist located on the Housing Code page of the City of Eldridge website.

Q: What happens if one of my tenants complains about the unit they live in? A tenant requesting an inspection must first provide written and dated notice to the landlord indicating the corrections needed per Iowa law. The tenant should keep a copy of that notice. The landlord has 10 days to correct or otherwise take action on the items. After the 10 days is up without landlord action, the tenant can bring the copy with the date on it to the Building Official, and an inspection may be scheduled. No action after 10 days in this instance could mean the landlord is in violation of the lease.

Q: My landlord won't fix the things he said he would so I quit paying rent. Will the city declare my unit uninhabitable so I can move? It is generally a violation of your lease to not pay rent under any circumstances. After a 10 day notice is up (See the question above) the City may inspect. If the city declares the unit unfit for human habitation, you will be given until 3:00 pm **THAT DAY** to vacate the premises. **What if I need a few days to find a place?** You cannot stay in a unit that has been declared uninhabitable under any circumstances.

Q: My tenant called the city after giving me a letter to fix a couple things. I can't fix them because the apartment is full of junk and filth- I can't get to them. Now, the city has declared the unit uninhabitable due to the junk and filth which is no fault of mine. What do I do? Once a unit has been declared uninhabitable, permission to enter the property for removal of belongings and cleaning will be allowed during specific hours for a specified amount of time. As the landlord, you must abide by the lease and Iowa law concerning removal of the tenant's personal property and cleaning of the dwelling unit. Once declared uninhabitable, an inspection by the City is required before the unit can be occupied again. Proper use of background checks may help avoid this situation in the future. Remember, the city does not take sides in tenant/landlord conflicts.

Q: My tenant and I got into an argument and now I think he's purposely tearing up the house. Will the city go through it with me today? Right Now? While the Building Official and/or Police may accompany you to the property, the tenant has the rights that go along with a lease and legal occupancy and they do not have to let us on the property or in the house. Under all non-emergency conditions, the City may do an inspection with you provided you give the tenant proper notice outlined in the written and signed lease agreement. This is usually a 24 hour notice. Proper use of background checks may help avoid this situation in the future. The city does not take sides in tenant/landlord conflicts.

Q: As a landlord, what if I decide I don't care about the housing code requirements and I don't register, get permits or fix my property? Any one of these actions places you in violation of the law and you would be charging rent for dwelling units that are unlawful to be rented. Tenants paying rent for dwellings that are unlawful to rent may seek a reimbursement of **ALL** monies paid over the entire length of their occupancy through private litigation. If the tenant asks the City to provide documents indicating the unit was unlawful to rent, we will do so.

Q: Eldridge PD says I had a tenant making meth in one of my units, now I have to pay thousands of dollars for testing before the city will allow me to rent it again even though the tenant hasn't been to trial yet. Why do I have to be the one to pay for this? Eldridge staff has found using a "preponderance of the evidence" that it is likely that meth manufacture occurred. This legal threshold is being used appropriately under Iowa law. As a person engaged in the business of renting residential dwellings, you made a decision to rent to a person who likely manufactured or allowed manufacture of meth in a unit you own. Due to the potential health hazards caused by residual contamination of surfaces from many types of illicit drug processing and manufacture, the unit cannot be rented again until testing is done by a business engaged in the practice of testing contamination of this type under the supervision of an **Industrial Hygienist** to show safe conditions. Until this documentation is provided to the Eldridge Building Official, the occupancy permit and rental permit for this unit will be revoked. The best guard against this situation is proper background checks and identification for all persons 18 years old and above.

Q: A tenant keeps allowing the yard area to be in violation of the Housing Code due to long grass or stuff stored outside or inoperable vehicles. What can I do? Because you are using a written lease that informs the tenants that any violation of law is also a violation of the lease, you may seek eviction following the State of Iowa procedures for evicting tenants who have violated their lease.

Q: I received a notice that my rental house is in violation because the grass is too long. My mowers broke. Can I appeal this notice? You may appeal any Housing Code action by providing written notice to the Building Official that you want to appeal the notice and order. **The request must be made within 20 days after receiving the Notice.** Your appeal will be heard by the City Council. If photos and evidence show no violation, the council will find in your favor. If the photos and evidence show a violation still existed on the deadline provided in the Notice and Order- even if you mowed it the day after the deadline- the violation existed and the Council cannot determine otherwise. They cannot allow you to continue to violate the law, grant you a variance or offer you additional time to correct the issue without penalty. Saying you had a really good reason to violate the law is not a defense- it is an admission of guilt. The Council may acknowledge your mower is broken, but that would not change the fact that your grass is too long so you would still be violation of the law. (This scenario is the same whether the violation is long grass, peeling paint, inoperable or unlicensed vehicles, junk/goods/materials/equipment improperly stored in the yard, etc...)

Q: In the scenario above, what is the penalty for not correcting the violation by the date given in the Notice and Order? As with all violations of the Housing Code, you could be found guilty of a Municipal Infraction defined by the State of Iowa as having a \$700 fine for the first offense, up to \$1,000 for subsequent offenses and **each day a violation continues** may be counted as a separate offense. It is generally much less expensive to correct the violations than to pay a fine AND correct the violations. (This scenario is the same whether the violation is long grass, peeling paint, inoperable or unlicensed vehicles, junk/goods/materials/equipment improperly stored, etc...)

Q: If I have a violation do I get fined immediately? Generally, you will be given a notice of the violation and a reasonable amount of time to be specified by the Building Official to make corrections. The violations potentially become a finable offense if not corrected by the deadline.

Q: I disagree with the Building Official on what is a reasonable amount of time. Winter is cold, Spring is wet, Summer is hot and fall is... too leafy- I just don't think I will ever have time to fix these things. Can I appeal the notice? Yes, by providing the Building Official with a written request for an appeal **within 20 days after receiving the notice for corrections.**

Q: I did not appeal within the 20 day time frame. Can I still appeal the notice? No. By not appealing within 20 days the law states you have waived your right to an appeal. This is stated in the notice you received so claiming you didn't know about the 20 days does not change this.

Q: The Building Official gave me 30 days to fix the stairs on my deck. The 30 days are up so I now want to appeal this. Can I? No, the 20 day time frame for an appeal starts on the day you receive the notice- not on the day your violation becomes a finable offense. Because you did not request an appeal within 20 days of the **notice**, you waived your right to an appeal.

Q: The Building Official gave me 90 days to correct peeling paint in August. I didn't fix it and now it's December and it's too cold to fix it. What happens? The Building Official recognizes that winter happens in Iowa and expected you to know it, too. You had ample weather and time to make corrections and didn't. The Building Official may seek penalties for one or a few days of violation equaling a fine of \$700 to \$1,000 **per day** for less obtrusive violations, or the Building Official may seek maximum fines for every day you have allowed the violation to continue. Upon payment of the fines, the Building Official can give you another deadline, allowing a second period of time for you to make corrections without accumulating hundreds of dollars per day in fines. Please take weather into consideration when planning repairs.

Q: If people can't afford to maintain their property, isn't fining them counter-productive? In most instances, property maintenance issues are due to low priorities- choosing to do other things rather than make the corrections on a day to day basis over an extended period of time. By giving persons with violations a choice between correcting the violation- or paying large fines AND correcting the violations- the issues become a priority and will get corrected. It is important to remember that paying fines does not mean the violation can continue. The violations still must be corrected or further fines will occur.

Q: What if I refuse to pay the fine? If a fine legally levied is not paid, it can become a special assessment on the property taxes. You will pay it as part of your property taxes, possibly without even knowing that this is why your taxes increased. **What if I don't pay it through my taxes?** In this extreme circumstance, the property could be sold at a tax sale similar to any property for which taxes are not paid. The City of Eldridge would prefer to just have properties maintained in a manner that doesn't require the government to tell you it's time to mow or clean your yard.

Q: Instead of simply cutting my grass, I spend days searching the City to find other people who have long grass and make a complaint against all of them to prove the City- and the person who works for the City- is awful. What about that? Those people will be notified that we received a complaint and given an amount of time to make corrections in the same manner you were. Because you did not cut your grass, you will be fined as stated by Iowa law, up to \$700 for a first offense. If the persons you complained against request to know who complained against them, your information will be provided per Iowa law and the Freedom of Information Act.

Q: My neighbor has long grass but they own it- it isn't a rental. Can I complain? Yes, property maintenance sections of the Housing Code apply to ALL properties.

Q: I complained about my neighbor's long grass and now he's complaining about my peeling paint. Can he do that? Yes. But he can mow his grass in an hour and I may have to spend thousands of dollars! Correct.

Q: I live in a condo group that doesn't allow units to be used as rentals. My neighbor rented their unit out. Will the City make them stop doing that? No. The city cannot enforce Condominium Association rules. "Condominiums subject to private association agreements prohibiting use as a rental property" are not considered rental units under the Housing Code. It is the responsibility of the Condo Association to enforce the association rules through legal means. You should contact the elected representatives of your Association.