

## **ORDINANCE NO. 2024-01**

### **AN ORDINANCE AMENDING CHAPTER 156, ADDING SUBSECTION 102.11.23 TO SECTION 156.04, OF THE CODE OF ORDINANCES FOR THE CITY OF WINDSOR HEIGHTS, WITH REGARD TO ENFORCEMENT PROCEDURES FOR RENTAL HOUSING**

WHEREAS, the City Council of the City of Windsor Heights previously adopted Chapter 156, the City's Property Maintenance and Rental Housing Code; and

WHEREAS, the City has adopted the International Property Maintenance Code, subject to the amendments, modifications, additions and deletions set forth in Section 156.04; and

WHEREAS, Iowa Code §364.17(3) allows the City to adopt enforcement procedures, which have been included in Chapter 156; and

WHEREAS, the City wishes to add enforcement procedures as set forth in Iowa Code §364.17(3)(a)(8).

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, POLK COUNTY, IOWA:**

SECTION 1. Purpose. The purpose of this ordinance is to amend Chapter 156, Section 156.04, by adding Subsection 102.11.23 to the City Code to add additional enforcement procedures for rental housing.

SECTION 2. Added. Adding Subsection 102.11.23 (Rent Abatement) to Section 156.04, Chapter 156 (Property Maintenance and Rental Housing Code), as follows:

102.11.23 Rent Abatement. The City may order rent abated when the building official or its designee determines the owner has, after issuance of a notice of violation of this Chapter: (1) failed to provide an essential service (water, sewer, electricity, heat); (2) failed to remedy a condition that poses a substantial risk to the safety of the tenant; or (3) rented a dwelling unit without a rental certificate. Rent abatement means no rent shall be recoverable by the owner or lessee of the dwelling from the tenant. Rent shall be abated until the condition for which rent abatement was ordered has been remedied. The building official or its designee shall provide a copy of the rent abatement order to the owner at the address on the rental certificate and to the tenant by U.S. mail and by posting the order on the entrance door to the dwelling unit. Notice of termination of the rent abatement order will be given in the same manner.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the

ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance shall be effective after the final passage, approval and publication as provided by law.

Passed and Approved this 1<sup>st</sup> Day of April, 2024.

1<sup>st</sup> Reading: 3.4.24

2<sup>nd</sup> Reading: 3.18.24

3<sup>rd</sup> Reading: 4.1.24

Publish Date: 4.11.24

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Mike Jones, Mayor

(SEAL)

ATTEST:

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Adam Strait, City Clerk