

**CITY MANAGER'S EXECUTIVE ORDER
CITY OF DES MOINES**

AN EXECUTIVE ORDER OF THE CITY MANAGER OF THE CITY OF DES MOINES relating to the City's Crime Free Rental Housing Program, setting the crime-free rental housing endorsement fee for the 2006 business license year, directing staff to gather all relevant data to determine the actual costs of administration of the program no later than June 30, 2006, and directing either a credit or assessment to rental property owners based upon the actual costs of administration.

RECITALS

WHEREAS:

1. DMMC 5.64.080(2) provides that "The crime-free housing endorsement fee for the business license years 2006 and thereafter shall be set by the city manager based upon the recommendation of the city of Des Moines police chief, whose recommendation shall be determined by the actual costs of administration of the crime-free rental housing program;
2. DMMC 5.04.040 and DMMC 5.64.080 (3) provide that business license fees and Crime Free Endorsement fees shall be renewed on or before February 15th of each calendar year;
3. Actual costs of administration of the Crime Free Rental Housing Program have yet to be determined. Even though Ordinance No. 1351 was enacted on November 11, 2004 and became effective on January 1, 2005, full implementation of the Crime Free Rental Housing Program was not possible by January 1, 2005 for the following reasons:
 - a. Start up time and expenses
 - i. Notification to rental property owners did not take place until after January 1, 2005. Letters were mailed to property owners and other notification efforts were made as soon as possible after January 1, 2005, but it was not reasonable to expect everyone to be in compliance by February 15, 2005;
 - ii. Education and training of staff to implement the program took several months and development of the Landlord 101 Training program was not complete until mid 2005;
 - iii. Actual ongoing costs for years 2006 and beyond versus the start up costs for the first year have yet to be determined;
 - b. Enforcement
 - i. A system for complete and accurate determination of ownership and compliance has not yet been fully developed;

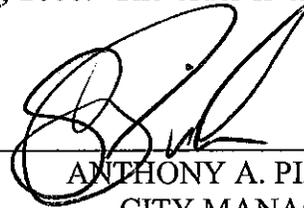
- ii. A process for fair and equitable enforcement is still being developed. A policy decision was made in early 2005 to defer strict enforcement of the ordinance to allow rental property owners an additional grace period. Some property owners are still not in compliance for 2005 and 2006. The first notices of infractions for non-compliance were mailed out in December 2005 and a reasonable time period to complete enforcement procedures for 2005 and 2006 is the end of the first half of 2006. In future years enforcement procedures can commence on February 15.
 - c. Actual revenues are still undetermined - actual revenues will not be determined until after completion of enforcement procedures;
 - d. Direct costs are still undetermined - actual costs for Landlord 101 classes, CPTED inspections, safety socials and accounting for staff time for those employees directly involved in the Crime Free Rental Housing Program has still not been determined;
 - e. Indirect costs are still undetermined – an allocation of an appropriate percentage of the City’s total administrative costs has yet to be assigned to the Crime Free Rental Housing Program;
4. Figures in the City’s adopted budgets for 2005 and 2006 for the Crime Free Rental Housing Program do not reflect the actual costs of administration of the program because those figures were inserted before the actual information was available and do not reflect any indirect costs. The figures in the adopted budgets were inserted as place markers only until the actual revenues and expenses have been determined;
5. It is reasonable to assume that the costs projected at the time Ordinance No. 1351 was adopted were reasonably accurate and that, when finally determined, the actual revenues from the current fee of \$100 per rental unit will be approximately equal to the City’s actual costs of administration of the Crime-Free Rental Housing Program; and
6. Police Department records and accounts confirm the effectiveness of the Crime Free Rental Housing Program and that:
- a. Owners and managers of rental housing facilities are taking a more active and participatory role in managing their rental properties;
 - b. There has been a significant decrease in the number of calls for service and in the severity of incidents at rental housing facilities; and
 - c. For the first time in five (5) years the City has seen a decrease in the percentage increase in Class I crimes.

NOW, THEREFORE,

It is hereby **ORDERED** as follows:

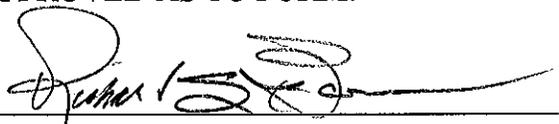
1. The crime-free rental housing endorsement fee for the business license year commencing January 1, 2006 and ending December 31, 2006 shall continue to be \$100.00 per rental unit;
2. Staff is directed to gather all necessary data and determine as accurately as possible, no later than June 30, 2006, the actual annual costs of administration of the Crime Free Rental Housing Program; and
 - a. In the event that the data shows that the actual costs of administration of the crime free rental housing program requires a fee of less than \$100 per rental unit, then the rental property owners will receive a credit toward future endorsement fees for the identified property; or
 - b. In the event that the program requires a fee of more than \$100 per rental unit, then the rental property owners will be assessed an additional amount to be paid with the next years' assessment for the identified property.

DATED this 7th day of March, 2006. The order is effective, nunc pro tunc, as of January 1, 2006.



ANTHONY A. PIASECKI
CITY MANAGER
CITY OF DES MOINES

APPROVED AS TO FORM:



Assistant City Attorney

ATTEST:



Acting

City Clerk