

INTRODUCED: MAR 12 2007

AN ORDINANCE No. 2007-86

To amend and reordain ch. 14 of the City Code by adding therein a new article VI consisting of sections 14-160 through 14-168 to establish requirements for inspection of rental dwelling units.

Patron – Vice President McQuinn

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 23 2007 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That chapter 14 of the Code of the City of Richmond (2004) be and is hereby amended and reordained by adding therein a new Article VI consisting of sections 14-160 through 14-168 as follows:

ARTICLE VI

INSPECTION OF RESIDENTIAL RENTAL DWELLING UNITS

Sec. 14-160. Inspection of residential rental dwelling units; authority; definitions.

(a) Pursuant to the authority provided by Code of Virginia 36-105.1:1, the Commissioner shall inspect residential rental dwelling units for compliance with the building code and to promote safe, decent and sanitary housing for its citizens.

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

(b) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

“Building code” means the Virginia Uniform Statewide Building Code as adopted by the City pursuant to section 14-1 of this Code.

“Building Department” means the Division of Permits and Inspections of the Department of Community Development.

“Commissioner” means the Commissioner of Buildings or his designee.

“Dwelling unit” means a building or structure or part thereof that is used for a home or residence by one or more persons who maintain a household. The term "dwelling unit" shall not include hospitals, nursing homes, convalescent homes or similar facilities providing medical care to the aged, infirm or disabled.

“Owner” means the person shown on the current real estate assessment books or current real estate assessment records, or the fee simple titleholder of the property if ownership has changed since such tax assessment records were last updated.

“Residential rental dwelling unit” means a dwelling unit that is leased or rented to one or more tenants month to month or for any period in excess of 30 days including, but not limited to, condominiums, manufactured or mobile homes, single-family detached dwellings, duplex dwellings, or townhouse dwellings. The term shall include efficiency apartments and condominiums. However, a dwelling unit occupied in part by the owner thereof shall not be construed to be a residential rental dwelling unit unless a tenant occupies a part of the dwelling unit which has its own cooking and sleeping areas, and a bathroom, unless otherwise provided by City law.

“Multifamily development” means any structure consisting of ten or more residential rental dwelling units under common ownership and occupied for valuable consideration. The term shall not include mobile homes under common ownership in a mobile home park or subdivision; nor shall such term include single-family detached dwellings, duplex dwellings, or townhouse dwellings under common ownership.

Sec. 14-161. Rental inspection districts.

(a) Except as provided in subsection (b), dwelling units inspected pursuant to this article shall be located in a rental inspection district established by ordinance which shall include the following:

- (1.) A description of the geographical terms that identify the streets or other key physical features that establish the boundaries of the district.
- (2.) A finding that:
 - (a.) There is a need to protect the public health, safety and welfare of the occupants of dwelling units inside the proposed rental inspection district;
 - (b.) The residential rental dwelling units within the proposed rental inspection district are either (i) blighted or in the process of deteriorating or (ii) are in the need of inspection by the building department to prevent deterioration, taking into account the number, age and condition of residential dwelling rental units inside the proposed rental inspection district; and
 - (c.) The inspection of residential rental dwelling units within the proposed rental inspection district is necessary to maintain safe, decent and sanitary living conditions for tenants and other residents living in the proposed rental inspection district.

(b) An individual residential rental dwelling unit outside of a designated rental inspection district may be made subject to inspection pursuant to this article pursuant to an ordinance which shall include:

- (1.) The specific physical street location of the unit; and
- (2.) A finding that:
 - (a.) There is a need to protect the public health, welfare and safety of the occupants of that individual dwelling unit;
 - (b.) The individual dwelling unit is either (i) blighted or (ii) in the process of deteriorating; or
 - (c.) There is evidence of violations of the building code that affect the safe, decent and sanitary living conditions for tenants living in such individual dwelling unit.

Sec. 14-162. Notification regarding rental dwelling units in rental inspection district.

(a) The owner of any residential rental dwelling unit located in a rental inspection district shall notify the Commissioner of the use of such dwelling unit as a residential rental dwelling unit by completing a form prescribed by the Commissioner that shall require at least the following information:

- (1.) The address of the residential dwelling unit.
- (2.) The names of each owner of the residential dwelling unit and the street addresses of the primary residences of each owner of the residential dwelling unit.
- (3.) The name and street address of any responsible party or designee other than the owner.

There shall not be any registration requirement or a fee of any kind associated with the written notification pursuant to this section.

(b) The owner of any residential rental dwelling unit located within a rental inspection district at the time such district is established shall notify the Commissioner as provided in subsection (a) no later than 60 days after the adoption of the ordinance establishing such district. The owner of any residential rental dwelling unit within a rental inspection district that such owner begins to use for residential rental purposes at a time after such district is established shall notify the Commissioner as provided in subsection (a) no later than the date on which such dwelling unit is first used for residential rental purposes. Any new owner of any residential rental dwelling unit located within a rental inspection district shall notify the Commissioner as provided in subsection (a) of such ownership change no later than 30 days after the date on the transfer of property title.

(c) Any owner of any residential rental dwelling unit who willfully fails to comply with the written notification requirements pursuant to this section shall be subject to a \$50.00 penalty to be assessed every 30 days from the date notice is due for each residential rental dwelling unit, except that no such penalty may be assessed until the Commissioner provides personal or written notice to the property owner. For purposes of this subsection, notice sent by regular first class mail to the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed compliance with this requirement.

Sec. 14-163. Initial inspection of dwelling units when inspection district established.

Upon establishment of a rental inspection district in accordance with this article, the Commissioner may, in conjunction with the written notifications as provided for in section 14-162, proceed to inspect dwelling units in the designated rental inspection district to determine if

the dwelling units are being used as a residential rental property and for compliance with those provisions of the building code that govern the safe, decent and sanitary living conditions for the tenants of such property.

Sec. 14-164. Provisions for initial and periodic inspections of multifamily dwelling units.

(a) In the initial and periodic inspections of a multifamily development that contains more than ten dwelling units, the Commissioner shall inspect only a sampling of dwelling units. The sample shall include not less than two units and not more than ten percent of the dwelling units in the development, which development shall include every multifamily building that is part of that multifamily development. Any fee charged for the inspection shall not exceed the amount of a fee applicable to an inspection of ten dwelling units.

(b) If the Commissioner determines upon inspection of the sampling of dwelling units that there are violations of those provisions of the building code that affect the safe, decent and sanitary living conditions for the tenants of the multifamily development, the Commissioner may inspect as many dwelling units as necessary to enforce the building code, in which case, the fee shall be based upon a charge per dwelling unit inspected, as established pursuant to section 14-167.

Sec. 14-165. Follow-up and periodic inspections.

(a) Upon the initial or periodic inspection of a residential rental dwelling unit pursuant to this article, the Commissioner has the authority under the building code to require the owner of the dwelling unit to submit to such follow-up inspections of the dwelling unit as the Commissioner deems necessary, until such time as the dwelling unit is brought into compliance with those provisions of the building code that govern the safe, decent and sanitary living conditions for the tenants.

(b) Except as provided in subsection (a), following the initial inspection of a residential rental dwelling unit subject to a rental inspection ordinance, the Commissioner may inspect any residential rental dwelling unit in a rental inspection district, that is not otherwise exempted in accordance with section 14-166, no more than once each calendar year.

Sec. 14-166. Exemptions from rental inspection ordinance.

(a) The Commissioner shall provide exemptions from inspection pursuant to this article as follows:

(1.) If, upon the initial or periodic inspection of a residential rental dwelling unit subject to a rental inspection ordinance, there are no violations of the building code that affect the safe, decent and sanitary living conditions for the tenants of such residential rental dwelling unit, the Commissioner shall provide, to the owner of such residential rental dwelling unit, an exemption from the rental inspection ordinance for a minimum of four years.

(2.) If a residential rental dwelling unit has been issued a certificate of occupancy within the last four years, an exemption shall be granted for a minimum period of four years from the date of the certificate's issuance.

(b) Upon the sale of a residential rental dwelling unit, the Commissioner may perform a periodic inspection as provided in section 14-165 subsequent to such sale.

(c) If the residential rental dwelling unit is found in violation of the building code during the exemption period, the Commissioner may revoke any previously granted exemption.

Sec. 14-167. Notice to owners.

(a) The Commissioner shall make reasonable efforts to notify (i) owners of residential rental dwelling units in the designated rental inspection district, or their designated managing agents and (ii) owners of any individual dwelling units subject to the rental inspection

ordinance, not located in a rental inspection district, of the provisions of this article, and provide information and an explanation of the rental inspection requirements and the owner's responsibilities relative to those requirements.

Sec. 14-168. Provisions not affected by this article.

(a) The provisions of this article shall not, in any way, alter the rights and obligations of landlords and tenants in violation of Code of Virginia § 36-105.1:1 (I).

(b) The provisions of this article shall not alter the Commissioner's duties or responsibilities to enforce the building code.

(c) Unless otherwise provided in this article, penalties for violation of this section shall be the same as the penalties provided in the building code.

§ 2. That the Chief Administrative Officer shall cause the Commissioner of Buildings to propose any fees for and to promulgate the regulations implementing this ordinance no later than 180 days after its adoption and shall provide a report to the Council at that time regarding implementation and the program start date, which shall not be later than 180 days after the adoption of this ordinance.

§3. This shall be in force and effect upon adoption.

MEMORANDUM

From: Ellen Bowyer, Director, Legislative Services, Richmond City Council
To: Norman Sales, City Attorney
Date: February 28, 2007
Subj: Draft Ordinance: Rental Inspection Ordinance

1. PAPER FORM AND SUBSTANCE

Attached is draft:

Resolution

Ordinance

2. INTRODUCTION

Requestor seeks introduction:

Next Council Meeting (3/12/07) No date requested

Other Date _____

3. COMMITTEE REFERRAL: Land Use

4. FISCAL IMPACT

A. The fiscal impact now is estimated to be:

Zero or otherwise indeterminable

Less than \$50,000

Less than \$100,000

More than \$100,000

B. A complete fiscal analysis will be completed

By the time the paper is introduced

By the following date: **Committee consideration**