EXHIBIT NO. 1

15
6-14-05

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 7, 2005

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER

SUBJECT: CONSIDERATION OF AN ORDINANCE TO AMEND TITLE 8, CHAPTER 1 OF THE CODE OF THE CITY OF ALEXANDRIA - RESIDENTIAL RENTAL PERMIT

ISSUE: City Council consideration of an ordinance to amend Title 8, Chapter 1, of the Code of the City of Alexandria regarding the Residential Rental Permit (RRP) program.

RECOMMENDATION: That City Council pass the ordinance on first reading on June 14; and schedule it for public hearing, second reading and final passage on Tuesday, June 21.

DISCUSSION: During the 2004 session, the Virginia General Assembly passed legislation to amend §36-105.1:1 of the Code of Virginia to adopt new regulations governing the licensing and inspections of residential rental properties.

The City has operated a City-wide RRP program since 1977. At that time, property owners who owned 10 or more residential units had to apply for an annually renewable permit and be subjected to inspections of at least 10% of their rental units. The number of units to be inspected could be increased at the discretion of the City if the conditions of the property warranted. In 1993, due to general decline in the maintenance and upkeep of rental properties and the increased number of complaints by tenants, the permit threshold was reduced to 5 units. The new legislative reduces the number to a single unit.

Since its inception, Alexandria's RRP program has provided numerous benefits and has served as a model for jurisdictions looking for ways to protect its residential building stock. Even during times of a weakened economy, this program has placed Alexandria at the vanguard of protecting its residents by reducing the number and severity of structure fires and has resulted in a dramatic reduction in the loss of life in residential buildings. Our many proactive inspections programs have served to protect our building inventory for nearly thirty years.

The Virginia General Assembly has enacted statewide legislation which staff believes will strengthen this program. This new law requires that jurisdictions evaluate its entire building inventory and justify which buildings will be subject to this new law and which may be exempt.

Before enacting the new regulations, staff performed a comprehensive analysis based on certain criteria set out in the new law. The new law requires that inspection districts within a locality be developed based upon a finding that: (i) there is a need to protect the public health, safety and welfare of the occupants of dwelling units inside the designated rental inspection district; (ii) the residential rental dwelling units within the designated rental inspection district are either (a) blighted or in the process of deteriorating, or (b) the residential rental dwelling units are in the need of inspection by the building department to prevent deterioration, taking into account the number, age and condition of residential units inside the proposed rental inspection district; and (iii) the inspection of residential dwelling units inside 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. This new law governs multi-family as well as single family dwellings within the proposed inspection districts.

Conversely, property owners within the proposed districts who feel they do meet this criteria may apply for a four year exemption from this program upon completion of a satisfactory inspection which reveals no disqualifying violations. Nothing in the new law authorizes a locality to develop a locality-wide rental inspection program such as the City's current program. The new legislation requires that localities limit the proposed inspection districts to those which meet the criteria set out above.

Based upon the prescribed criteria, staff has developed two inspection districts. For the purposes of discussion only, they are referred to as the East and West Districts. Specifically, the East District includes census tracts 7.00, 8.02, 12.02, 12.03, 12.04, 13.00, 14.00, 16.00, 18.01, 18.02 and 20.01. This district includes, but is not limited to, such properties as Hunting Pointe (formerly Hunting Terrace and Hunting Towers), Samuel Madden Homes (Uptown), the Ladrey Senior Citizen Highrise, the Calvert Apartments, Presidential Greens and others (Attachment 3).

The West District includes census tracts 1.01, 1.03, 1.04, 1.05, 3.01, 3.02, 3.03, 4.01, 4.02, 5.00 and 6.00. This district includes, but is not limited to, such properties at Southern Towers, Tower 2000, Hampton Court Apartments, Essex House and Crestview Commons. Staff believes that most of the properties in the proposed inspection districts will remain in the program but also acknowledges that some will be exempted based upon their age, current condition, level of preventative maintenance and upkeep and a sharp increase in the number of rental properties converting to condominiums. The new regulations also exempts all hotels, inns, bed and breakfast establishments and other similar facilities located within the proposed inspection districts.

As prescribed in these new regulations, the City's current program will expire effective June 30, 2005. To phase in the new program, staff will honor all permits issued in the preceding year and will allow property owners to maintain their current expiration dates. However, this will not automatically entitle them to the new 48 month exemption. Adoption of this new ordinance will allow staff to begin canvassing their respective inspection districts to determine which new properties, both multi-family as well as single family residential dwellings will be affected by the new regulations.

FISCAL IMPACT: In FY 2004, the City's RRP program covered approximately 30,613 rental units and generated $95,764 in permit revenues. According to the 2000 census, there are

approximately 68,782 residences in the City. Among them, approximately 40,750 or 59.25% are rental. Recognizing that some rental properties will receive the 48 month exemption and the sharp increase in condominium conversion by several rental properties, it is difficult to estimate the permit revenues which will be generated by the new regulations. The new regulations provide for a fee of $50.00 per rental unit actually inspected as well as $50.00 per unit for each subsequent reinspection.

ATTACHMENTS:

Attachment 1. Proposed Ordinance
Attachment 2. §36-105.1:1, Code of Virginia
Attachment 3. City map of proposed inspection districts

STAFF:

Gary Mesaris, Fire Chief
Art Dahlberg, Director, Code Enforcement

EXHIBIT NO. 2

Introduction and first reading:	6/14/2005
Public hearing:	6/21/2005
Second reading and enactment:	6/21/2005

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to repeal Article G (RESIDENTIAL RENTAL PERMITS), and to enact Revised Article G-1 (RESIDENTIAL RENTAL INSPECTION DISTRICTS), all of Chapter 1 (BUILDING CODE), Title 8 (BUILDING CODE REGULATIONS), of the Code of the City of Alexandria Virginia, 1981, as amended.

Summary

The proposed ordinance revises the City's residential housing inspection permit to comply with recent changes in state law.

Sponsor

Staff

Gary Mesaris, Fire Chief
Arthur Dahlberg, Director of Code Enforcement
Mary Elliott O'Donnell, Assistant City Attorney

Authority

§§36-105.1:1, Code of Virginia (1950), as amended
§ 2.04(b), Alexandria City Charter

Estimated Costs of Implementation

In FY 2004, the City's RRP program covered approximately 30,613 rental units and generated $95,764 in permit revenues. According to the 2000 census, there are approximately 68,782 residences in the City. Among them, approximately 40,750 or 59.25% are rental. Recognizing that some rental properties will receive the 48 month exemption and the sharp increase in condominium conversion by several rental properties, it is difficult to estimate the permit revenues which will be generated by the new regulations. The new regulations provide for a fee of $50.00 per rental unit actually inspected as well as $50.00 per unit for each subsequent reinspection. Until the total number of actual condominium conversions are identified and the number of existing single family rental units within the prescribed inspection districts are identified, staff cannot accurately predict the actual amount of revenue; however, it is expected to be approximately $150,000.

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

C:\Documents and Settings\jhenders\Local Settings\Temp\notesC9812B\Residential Rental Permit Ord Cover.wpd

EXHIBIT NO. 3

ORDINANCE NO. _____

AN ORDINANCE to repeal Article G (RESIDENTIAL RENTAL PERMITS), and to enact a revised Article G-1 (RESIDENTIAL RENTAL INSPECTION DISTRICTS), all of Chapter 1 (BUILDING CODE), Title 8 (BUILDING CODE REGULATIONS), of the Code of the City of Alexandria Virginia, 1981, as amended.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. The City's current Residential Rental Permit Program authorizes the inspection of residential rental dwelling units for the purposes of protecting the public health, safety and welfare of City residents; and

3. At its 2004 session, the General Assembly enacted Virginia Code §36-105.1:1 which confirms the authority of local governments to inspect residential rental dwelling units, but amends the required process and procedure for establishing and conducting such inspections; and

4. Inspections conducted to date under the City's current program have confirmed the necessity of residential inspections, and demonstrated the need for the establishment of rental inspection districts as provided under Virginia Code §36-105.1:1, to protect the health, safety and welfare of the residents of the residential rental units located in such inspection districts, and further to prevent deterioration and blight in these districts; and

5. Upon consideration of the following factors, including but not limited to: the high proportion of rental units to total dwelling units in the districts; the age of buildings and structures in the districts; the high levels of complaints and/or history of code compliance violations in the districts; the history of residential structures that lack facilities that provide the minimum levels of health, safety and welfare to the occupants, overcrowding conditions and the need to prevent further deterioration of existing residential buildings in the districts; the establishment of rental inspection districts, as more particularly described in this Ordinance, is necessary to protect and maintain decent and sanitary living conditions for tenants and other residents within such districts and

6. Based on the foregoing findings, and all other facts and circumstances of which the City Council may take notice as the legislative body of the City of Alexandria, Virginia, adoption of this ordinance is necessary and convenient to protect the public health, safety and general welfare.

THE CITY COUNCIL OF ALEXANDRIA, HEREBY ORDAINS:

Section 1. That Article G, Chapter 1, Title 8 of the Code of the City of Alexandria Virginia, 1981, as amended, be, and the same hereby is, repealed.

Section 2. That Chapter 1, Title 8 of the Code of the City of Alexandria Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by adding thereto a revised Article G-1, to read as follows:

[The following is all new language.]

ARTICLE G-1

RESIDENTIAL RENTAL INSPECTION DISTRICTS

DIVISION 1
GENERALLY

Sec. 8-1-110 Purpose and Intent.

The purpose of this article is to require the inspection of residential rental dwelling units for compliance with the Building Code and to promote safe, decent and sanitary housing, in accordance with Code of Virginia §36-105.1:1.

Sec. 8-1-111 Definitions.

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

"Building Code" means the Virginia Uniform Statewide Building Code.

"Code Official" means the Director of the Code Enforcement Bureau of the Fire Department, the technical assistants who are employees of the Bureau, or any designee of the Director of the Code Enforcement Bureau.

"Conditions which immediately affect safe, decent and sanitary living conditions of persons occupying a residential rental dwelling unit" include items that violate fire safety; lack of or poor condition of sanitary facilities; absence of adequate heating systems or equipment; items which affect the safe operation of electrical and mechanical systems; items which affect structural integrity of the building and/or the ability of the building envelope to keep out weather, or one or more other conditions that if not corrected would be reasonably expected to become conditions that affect the safe, decent and sanitary living conditions of the occupants.

"Disqualifying Violation" includes those conditions which affect safe, decent and sanitary living conditions of persons occupying a residential rental dwelling unit, or other conditions that violate the provisions of the Building Code, or multiple building code violations that indicate in their totality that the dwelling unit is not being properly maintained.

"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.

"Multiple-Family Development" means any structure, consisting of 10 or more residential rental dwelling units under common ownership and occupied for valuable consideration. The term "multiple-family development" 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.

"Owner" means the person or entity shown on the current real estate assessment books or current real estate assessment records of the City 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 thirty (30) days including, but not limited to, condominiums, manufactured or mobile homes, single-family detached dwellings, duplex dwellings, townhouse dwellings or multi-family dwellings (which 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 in the zoning ordinance by the local governing body.

DIVISION 2
RENTAL INSPECTION DISTRICTS

Sec. 8-1-112 Factors for Establishing Rental Inspection Districts.

After holding a duly advertised public hearing as required by the Code of Virginia, §36-105.1:1(C)(1), having duly given notice as required, City Council finds that within the inspection districts described in section 8-1-113 herein below, (i) there is a need to protect the public health, safety and welfare of the occupants of dwelling units inside the designated rental inspection districts; (ii) the residential rental dwelling units within the designated rental inspection districts are either (a) blighted or in the process of deteriorating, or (b) the residential rental dwelling units are in the need of inspection by the Code Official to prevent deterioration, taking into account the number, age and condition of residential dwelling rental units inside said rental inspection districts, and (iii) the inspection of residential rental dwelling units inside the

rental inspection districts is necessary to maintain safe, decent and sanitary living conditions for tenants and other residents living in the rental inspection districts.

Sec. 8-1-113 Rental Inspection Districts Established.

Based upon the findings of City Council as set forth in section 8-1-112 herein above, the following areas are included and hereby declared to be rental inspection districts which are subject to the requirements of this article;

East District: Census tracts 7.00, 8.02, 12.02, 12.03, 12.04, 13.00, 14.00, 16.00, 18.01, 18.02, and 20.01.

West District: Census tracts 1.01 ,1.03, 1.04, 1.05, 3.01, 3.02, 3.03, 4.01, 4.02, 5.00, and 6.00.

A map showing the rental inspection districts described in section 8-1-113 is hereby adopted as a part of this article, and shall be available for public inspection in the Code Enforcement Bureau. Said districts are hereinafter referred to collectively as "inspection districts" and individually as "inspection district."

Sec. 8-1-114 Applicability.

The provisions of this article shall apply to residential rental dwelling units located within the districts identified in section 8-1-113 of this article and shall further apply to certain structures located outside of such districts but meeting the requirements of section 8-1-115(g) herein below.

DIVISION 3
INSPECTION

Sec. 8-1-115 Inspection and Certificate Required.

(a) The Code Official may, in conjunction with the written notifications provided for in section 8-1-112, proceed to inspect dwelling units in the designated rental inspection districts to determine if the dwelling units are being used as a residential rental property and for compliance with the provisions of the Building Code that affect the safe, decent and sanitary living conditions for tenants of such property.

(b) The owner of each residential rental dwelling unit located in an inspection district shall arrange for and permit an initial inspection and subsequent inspections of such residential rental dwelling unit as provided in this section and section 8-1-116. Inspections under this article shall be conducted by the City's Code Official who is charged with the enforcement of this article, or his designee. If the unit to be inspected is occupied at the time of a required inspection, it shall be

the duty of the owner thereof to notify the occupants of such inspection and make the residential rental dwelling unit available for inspection.

(c) If inspection reveals that a residential rental dwelling unit has no disqualifying violations, the Code Official shall issue a 48-month Certificate of Compliance for such unit. However, if one or more violations of the property maintenance provisions of the Building Code are found that do not constitute a disqualifying violation, the existence of such non-disqualifying violations shall be noted on the 48-month Certificate of Compliance together with the date by which such non-disqualifying violations must be remedied, which date shall be determined by the Code Official and which date shall be reasonable. The issuance of a Certificate of Compliance shall not be evidence of a lack of any and all building code violations, and shall not prevent the Code Official from conducting follow-up inspections regarding building code violations in the residential rental unit, whether or not the violations affect the safe, decent and sanitary occupancy of said unit. If a follow-up inspection reveals that the owner has failed to remedy the noted violations by the specified date, the Code Official shall issue a Notice of Violation, revoke the 48-month Certificate of Compliance and the unit shall thereafter be subject to annual inspections pursuant to section 8-1-116.

(d) If inspection of a residential rental dwelling unit reveals one or more disqualifying violations, the Code Official shall not issue a Certificate of Compliance until the disqualifying violations are satisfactorily remedied. However, the Code Official may issue a Temporary Certificate of Compliance if in the opinion of the Code Official such disqualifying violations do not constitute an immediate threat of injury to the occupants of such residential rental dwelling unit. If conditions warrant, however, the Code Official may require that the residential rental dwelling unit be vacated or remain unoccupied until brought into compliance, pursuant to his authority under Code of Virginia §36-98, et. seq., the Virginia Uniform Statewide Building Code. Upon compliance, the Code Official shall, as provided in section 8-1-116 of this article, issue an annual Certificate of Compliance.

(e) No annual inspection pursuant to this article shall take place more than one time each year, calculated from the date of the first inspection, unless additional inspections are necessary to ensure compliance. Nothing in this article shall alter the duties or responsibilities of the Code Official to conduct any other inspections, as allowed under the provisions of the Building Code, and inspections for obtaining a Certificate of Compliance under this article do not supplant or preclude any other inspection authorized under the Building Code.

(f) Unless a current Certificate or Temporary Certificate of Compliance is in force for a residential rental dwelling unit in accordance with the provisions of section 8-1-116 of this article, and such Certificate remains in effect, no owner of such unit shall permit any person to occupy such unit as a tenant or otherwise.

(g) An individual residential rental dwelling unit located outside of a rental inspection district shall nevertheless be subject to the terms of this article upon City Council making a

separate finding for each such individual residential rental dwelling unit that (i) there is a need to protect the public health, welfare and safety of the occupants of that individual residential rental dwelling unit; (ii) the individual residential dwelling unit is either (a) blighted or (b) in the process of deteriorating; or (iii) there is evidence of violations of the Building Code that affect the safe, decent and sanitary living conditions for occupants of such individual dwelling unit. Upon said finding by the City Council, said residential rental dwelling unit shall be subject to this article, notwithstanding its location outside the inspection districts.

(h) Should the owner fail to timely contact the Code Enforcement within the required time in order to schedule any inspection required under this article, or should such owner fail to allow such inspection to proceed on the date for which it was scheduled, the owner shall be in violation of this article and shall be subject to such penalties and enforcement remedies as provided in section 8-1-120 herein below.

Sec. 8-1-116 Certificates of Compliance; Applications and Exemptions.

(a) The following provisions shall apply to all residential rental dwelling units located within inspection districts, which are not exempted under subsection (b) of this section:

(1) The initial inspection of each residential rental dwelling unit which is subject to inspection under this article, unless the initial inspection is delayed under paragraph (a) of this section, shall take place no later than 120 days from the date that the owner thereof contacts the Code Enforcement Bureau to schedule such inspection. The Code Official shall inspect such unit within a reasonable time. Each residential rental unit, for which a Certificate of Compliance or 48-month Certificate of Compliance as described in (a)(7) below has been issued, shall be inspected again within 30 days from the expiration of either the Certificate or the revocation of a 48-month Certificate of Compliance.

(2) Prior to expiration of the Certificate of Compliance or 48-month Certificate of Compliance, or upon revocation of a 48-month Certificate of Compliance, the owner of such residential rental dwelling unit shall contact the Code Enforcement Bureau and arrange for an inspection of such unit. Except in the case of an inspection following revocation of a 48-month Certificate of Compliance, should the date scheduled for inspection fall after expiration of the current Certificate, and more than thirty days from the day on which the owner contacted the Code Enforcement Bureau to schedule inspection, a thirty-day Temporary Certificate of Compliance shall be issued. Said inspection shall take place no later than 30 days from the date of application for said inspection, and such Temporary Certificate shall expire on the date of the inspection.

(3) For Building Code violations which do not immediately affect the safe, decent and sanitary living conditions for persons living in such unit, provided that all inspection fees shall have been remitted in advance of the issuance of such Temporary Certificate of Compliance, the Code Official shall issue one Temporary Certificate of Compliance valid for thirty (30) days, and

may permit such extensions thereof as the Code Official shall deem reasonably necessary to allow for remediation of the violations. However, as to Building Code violations which are disqualifying violations and which pose an immediate threat to the safe, decent and sanitary living conditions for persons living in such unit, then the Code Official shall not issue a Temporary Certificate of Compliance.

(4) Temporary Certificates of Compliance shall expire upon the earlier of either their stated expiration dates or the completion of an inspection which finds all violations have been remedied.

(5) Unless a residential rental unit in an inspection district is exempted from inspection under this Article, or receives a 48-month Certificate of Compliance as provided in subsection (a)(6) below, the term of a Certificate of Compliance issued for any residential rental dwelling unit in an inspection district shall be for a term of twelve (12) months, beginning with the first day of the month next following the month of issuance.

(6) A residential rental dwelling unit which, upon inspection under this article, either has no disqualifying violations, or has only one or more violations of such Code that do not affect the safe, decent and sanitary living conditions for persons living in such unit, shall not be subject to further annual inspection under this article for forty-eight (48) months from date of such annual inspection, except as provided in section 8-1-115, and a 48-month Certificate of Compliance shall be issued for such unit. However, if a residential rental dwelling unit covered by a 48-month Certificate of Compliance is found in violation of the Building Code during the term of such 48-month Certificate of Compliance, the Code Official may revoke such 48-month Certificate of Compliance and such unit shall thereupon become subject to annual inspections and the issuance of annual Certificates of Compliance. If an annual Certificate of Compliance is issued after the inspection necessitated by the violation of the Building Code and revocation of the extended Certificate of Compliance, then said residential rental dwelling unit shall again be eligible for an extended Certificate of Compliance only after the annual Certificate of Compliance has expired and as of the first subsequent annual inspection when no disqualifying violations are found.

(7) Should a residential rental dwelling unit be sold, or the title thereto be otherwise transferred to another owner during the term of any Certificate of Compliance issued for such unit, the term of such Certificate shall continue and will expire 48 months from the original issuance date, unless disqualifying Building Code violations are found, in which case the exemption previously granted maybe revoked.

(b) The following shall be exempt from the requirements of this article for the time periods indicated:

(1) No inspection of a newly constructed residential rental dwelling unit located in an inspection district shall be required within forty-eight (48) months of the issuance of a

Certificate of Occupancy for such newly constructed unit. Thereafter, said unit shall in all respects become subject to the requirements of this article.

(2) All hotels, motels, inns, bed and breakfast establishments, and other similar facilities, to the extent occupied by transients, shall be exempt from compliance with this article.

Sec. 8-1-117 Multi-family Developments.

(a) If a multi-family development contains more than 10 residential rental dwelling units during the initial and annual inspections, the Code Official shall inspect no less than two units and not more than 10 percent (10%) of the residential rental dwelling units.

(b) Notwithstanding the number of residential rental dwelling units inspected in a multi-family development, the Code Official shall charge the fee authorized by this article for inspection of no more than 10 dwelling units.

(c) If the Code Official determines upon inspection of a sampling of dwelling units in accordance with subsection (a) above that there are violations of the Building Code that affect the safe, decent and sanitary living conditions for the tenants of such multi-family development, the Code Official may inspect as many dwelling units as he deems reasonably necessary to enforce the Building Code, in which case the fee shall be based upon a charge per dwelling unit inspected, notwithstanding the provisions of subsection (b) of this section.

DIVISION 4
CERTIFICATE ISSUANCE, INSPECTION FEES AND ENFORCEMENT

Sec. 8-1-118 Issuance of Certificate; Fees.

(a) Except as provided in section 8-1-117(c) above, there shall be a $50.00 inspection fee for the inspection of each dwelling unit. If repairs or corrections are deemed necessary by the Code Official, and a reinspection is required, no additional fee shall be charged for the reinspection. If, however, subsequent reinspections are required, there shall be charged an additional fee of $50.00 per dwelling unit for each subsequent unit reinspection. No reinspection shall be performed, nor any Certificate of Compliance be issued, until all fees have been paid.

(b) Requests for an inspection may be made by telephone; provided, however, that the Code Enforcement Bureau must, in all cases, receive notice from the owner and payment of the applicable inspection fees prior to conducting any inspection required under this Article.

(c) The Code Official shall issue a 48-month certificate, as provided in section 8-1-116 when, upon inspection, the Code Official determines that the residential rental dwelling unit has no disqualifying violations. The 48-month Certificate of Compliance shall be issued immediately upon completion of an inspection in which no disqualifying violations are found.

(d) If the dwelling unit fails to comply with any one or more provisions of the Building Code, and any amendments thereto, the Code Official shall furnish the owner with a written list of specific violations. Failure to list any violation shall not be deemed a waiver of enforcement of such violation. Upon the completion of all corrections and repairs, the owner shall arrange a reinspection of the residential rental dwelling unit. Reinspection shall be for the purpose of determining compliance by the owner with the written list of specific violations furnished to the owner by the Code Official. However, if upon reinspection, the Code Official discovers other violations that were not listed on the written list of specific violations previously furnished to the owner, the Code Official shall furnish the owner with a supplemental list of violations and shall provide the owner a reasonable opportunity to make corrections. This provision, however, shall not preclude the Code Official from revoking the 48-month Certificate of Compliance if the subsequently discovered violations are disqualifying violations or if the non-disqualifying violations have not been corrected pursuant to sections 8-1-115 and 8-1-116.

Sec. 8-1-119 Appeals; effects.

(a) Any person aggrieved by any determination or decision of the Code Official made pursuant to this article shall have the right to appeal such determination or decision in accordance with the provisions of the Building Code, and amendments thereto.

(b) Nothing in this article shall be construed to limit, impair, alter or extend the rights and remedies of persons in their relationship of landlord and tenant as such rights and remedies exist under applicable law.

(c) Nothing in this article shall be construed to relieve or exempt any person from otherwise complying with all applicable laws, ordinances, standards and regulations pertaining to the condition of buildings and other structures.

(d) Nothing in this article shall be construed to limit the authority of the Code Official to perform housing inspections in accordance with applicable law.

Sec. 8-1-120 Violation; penalty; right of entry.

(a) Any person failing to comply with the inspection requirements of this article shall be subject to the civil penalties established below and as stated in section 8-1-6.

(b) Any person failing to comply with this article shall be subject to a $100.00 dollar civil penalty to be assessed for any one (1) violation for the initial summons. An additional $150.00 penalty may also be assessed for each additional summons from the date notice is first given for each property, for failure to arrange for inspection or to obtain a Certificate of Compliance, as required by this article.

(c) Each day during which a violation is found to exist shall be a separate offense. However,

in no event shall specified violations arising from the same set of operative facts be cited more frequently than once in a ten day period and in no event shall a series of such violations result in civil penalties exceeding a total of $3,000.00.

(d) The remedies set forth in (a) and (b) of this section are not the exclusive remedies for non-compliance with the requirements of this article, and the Code Official may take such further actions as allowed by applicable law in order to ensure compliance with the requirements of this article including, but not limited to, seeking injunctive relief and obtaining inspection warrants.

Sec. 8-1-121 Regulations implementing article.

The city manager may establish regulations which shall be approved by resolution of city council, governing the implementation of the provisions of this article.

Section 2. This ordinance shall be effective July 1, 2005.

WILLIAM D. EUILLE
Mayor

Introduction: 6/14,/05
First Reading:
Publication:
Public Hearing:
Second Reading
Final Passage:

C:\Documents and Settings\jhenders\Local Settings\Temp\notesC9812B\Residential Rental Permit Ord.wpd

Attachment 2

authorized to enter, examine and survey, during daylight, at reasonable times and hours, and in such manner to cause the least possible inconvenience, all dwellings, dwelling units, rooming units and premises. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access in accordance with law to any part of such dwelling or dwelling unit or its premises at all reasonable times for making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter. (Ord. No. 3153, 9/13/86, Sec. 3)

Sec. 8-1-96 Enforcement procedure of code official; notice of violation.

(a) Whenever the code official finds:

(1) that any dwelling unit or habitable room is unfit for human habitation because of the character of the construction thereof;

(2) that the plumbing, sewage disposal facilities, draining, light or ventilation thereof constitutes a threat or is detrimental to life or health;

(3) that there exists on the premises any condition likely to cause sickness or injury to the occupants thereof or other persons; or

(4) That the provisions of this chapter are being otherwise violated, he shall give notice of the violation to the persons failing to comply with this chapter, ordering them to do so. This notice shall be put in writing, include a statement of the reasons why it is being issued, allow a specified reasonable time to commence the performance of any such action it directs, and allow a specified reasonable time to commence the performance of any such action it directs, and allow a specified reasonable time to complete such performance, and be served upon the owner or occupant as the case may require.

(b) The notice shall be deemed properly served if a copy thereof is delivered personally, or if he is not found at his usual place of abode, by mailing a copy thereof in a conspicuous place in or about the dwelling affected by the notice.

(c) Whenever such notice is served on an occupant, a copy thereof shall also be sent by certified mail to the last known address of the owner. (Ord. No. 3153, 9/13/86, Sec. 3)

Sec. 8-1-97 Failure to comply with notice issued pursuant to section 8-1-96.

If any person, served with a notice of noncompliance pursuant to section 8-1-96 of this code, does not:

(1) within the specified time after serving upon him such notice commence compliance with the directions thereof;

(2) within the specified time after serving upon him such notice complete compliance; or

(3) within 14 days after such service perfect an appeal to the city council, he shall be guilty of a violation of the provisions of this chapter. (Ord. No. 3153, 9/13/86, Sec. 3)

Sec. 8-1-98 Violations and penalties.

(a) A violation of any section or provision of this article shall be a civil violation, which shall be enforced through the levying of a civil penalty pursuant to section 1-1-11 of this code, of $100 for a person's first violation and of $150 for each subsequent violation of the same section or provision. Each day during which a violation exists shall constitute a separate violation. However, a series of violations arising from the same operative set of facts shall not give rise to the levying of a civil penalty more frequently than once in any 10-day period, and shall not result in civil penalties exceeding a total of $3,000. Notwithstanding the foregoing, if the violation of a section or provision of this article is also a violation of a section or provision of article A of this chapter, then section 8-1-6 shall apply to the violation in lieu of this section.

(b) A violation of any section or provision of this article may, in addition to and notwithstanding the penalty provided for in subsection (a), be restrained, prohibited or enjoined by appropriate proceedings in a court of competent jurisdiction. (Ord. No. 3153, 9/13/86, Sec. 3; Ord. No. 3849, 3/23/96, Sec. 10)

Sec. 8-1-99 Appeals to city council.

(a) Any person whose application for a rooming house permit, original or renewal, has been denied, or any holder of such permit who has been notified of the suspension of his rooming house permit, or any abutting owner aggrieved by the granting of such a permit, shall have the right to appeal to and be heard by the city council, provided that such applicant, holder or owner files with the clerk of the city council, within 14 days after any such denial, suspension or granting of a rooming house permit, a notice in writing of the applicants' or holder's or abutting owner's intention to appeal. Upon receipt of any such notice, the clerk of the city council shall forthwith notify the city manager who shall schedule a public hearing before the city council to be held as promptly as practicable, but in any instance within 75 days after the receipt by the clerk of such notice. The city manager shall give reasonable notice of such hearing to the appealing party.

(b) On any appeal to the city council, the final decision of the code official shall be stayed pending the outcome of the appeal before the city council. The city council may affirm, amend, reverse or modify the order, notice or other action of the code official appealed from, in whole or in part. The decision of the city council, subject to the further right of appeal to the court provided in section 8-1-100 of this article, shall constitute an order and any person who shall fail, refuse or neglect to comply with any such order shall be guilty of violating the provisions of this chapter. (Ord. No. 3153, 9/13/86, Sec. 3)

Sec. 8-1-100 Appeals from city council to court.

The decision of the city council shall in all cases be final; except that any appellant or party directly aggrieved by a decision of the city council may, provided he does so within 30 days after the rendering of such decision, appeal to the circuit court of the City of Alexandria for a further review, and the findings of fact by the city council shall be conclusive and such review shall be limited solely to errors of law and questions of constitutionality. The decision of the city council in any case on appeal shall be stayed pending a decision by the court. (Ord. No. 3153, 9/13/86, Sec. 3)

Secs. 8-1-101 through 8-1-109 reserved.

ARTICLE G

Residential Rental Permits

Editorial Note: Ord. No. 3657, § 1, adopted Sept. 18, 1993, amended Art. G to read as herein set out in §§ 8-1-110–8-1-121. See the Code Comparative Table.
Cross Reference: Similar provisions, §§ 11-3-51–11-3-62.

Sec. 8-1-110 Required; definitions.

(a) Every owner who engages in the business of renting five or more dwelling units located within the city is required to obtain a residential rental permit issued by the code official.

(b) "Dwelling unit" shall mean a building or portion thereof that is used for residential purposes, including a single-family home and residential units in two-family and multifamily buildings, but shall not include hotels, motels, tourist homes or boarding and rooming houses.

(c) "To rent" shall mean to lease, sublease, let or otherwise grant for consideration the right to occupy a dwelling unit. (Ord. No. 3657, 9/18/93, Sec. 1)

Sec. 8-1-111 Applications.

(a) Applications for issuance or renewal of a residential rental permit shall be made by the owner of the dwelling units or the owner's agent to the code official on forms to be provided by the code official.

(b) The fee for issuance or renewal of a residential rental permit shall be established by resolution of the city council, and payment of such fee shall be made with the filing of the application.

(c) It shall be unlawful for any person knowingly to make any false statements in an application for a residential rental permit.

(d) Any owner or agent who has applied for a permit, or the renewal thereof, will be allowed to operate until the application has been processed, the inspections have been made pursuant to section 8-1-113 of this article and a final non-appealable decision on the application has been made. (Ord. No. 3657, 9/18/93, Sec. 1)

Sec. 8-1-112 Permit period of validity.

(a) A residential rental permit shall be valid for a term of one year from the date the application therefor or was received by the code official or until the ownership of the property is transferred, whichever occurs first. Each permit shall be renewable on the anniversary date of its application. An application for permit renewal must be filed before the current permit expires. Failure

to file a renewal application by the permit expiration date will result in a notice being posted on the property stating that the property is in noncompliance with this article.

(b) In the event ownership of dwelling or dwelling units subject to this article is transferred, the new owner or the owner's agent shall make application for a new residential rental permit within 30 calendar days of the date of transfer. (Ord. No. 3657, 9/18/93, Sec. 1)

Sec. 8-1-113 Conditions for issuance of permits; inspections of dwelling units.

(a) Upon the making of a proper application for a residential rental permit by the owner or agent thereof, the code official shall issue or renew the permit after determining that the dwelling units for which the permit is sought and the related premises are in compliance with the provisions of this chapter and article B, chapter 2, title 4 of the code and article A, chapter 1, title 8 of this code, and that all required fees have been paid.

(b) To make such determination, the code official shall inspect the dwelling units including common areas and grounds under the same ownership. Dwelling units inspected shall be selected on a random basis and in sufficient number to be fairly representative of the property or properties for which the permit is sought. Vacant units will not be selected for inspection. Failure of an owner or agent thereof to cooperate with the inspection process will result in a notice being posted on the property stating that the property is in noncompliance with this article.

(c) Inspections shall be conducted as provided in section 8-1-96 of this code; provided, however, that in the case of an occupied dwelling unit, consent of the occupant is required and assistance shall be furnished by the owner in obtaining such consent. (Ord. No. 3657, 9/18/93, Sec. 1)

Sec. 8-1-114 Failure to pass inspection.

(a) If the code official determines, after inspection, that any dwelling unit or any part of the premises related thereto fails to comply with the provisions of this chapter, a written list of the violation or violations shall be given to the applicant. The code official shall then determine a date by which the applicant shall remedy the listed violations, at which time a reinspection shall be conducted. If further reinspections are required after the first reinspection, the applicant shall pay a fee of $50 for each such reinspection visit to each dwelling unit or any part of the premises related thereto to be reinspected.

(b) The decision of the code official to disapprove an application for a residential rental permit may be appealed by the applicant in accordance with sections 8-1-99 and 8-1-100 of this code. In the event the code official disapproves an application and an appeal is noted in accordance with section 8-1-99 and 8-1-100 by the applicant, the disapproval shall be stayed until an appeal has been completed. (Ord. No. 3657, 9/18/93, Sec. 1)

Sec. 8-1-115 Operation without permit.

It shall be unlawful for any owner or agent to rent any vacant dwelling unit subject to the provisions of this article, except during the grace period allowed in section 8-1-111(d), unless the unit is subject to a valid residential rental permit. (Ord. No. 3657, 9/18/93, Sec. 1)

Sec. 8-1-116 Suspension of permit.

(a) A permit once issued may be suspended by the code official when the official finds that one or more of the requirements of this article have been violated. A suspended permit shall be reinstated after the violation or violations have been corrected.

(b) No permit shall be suspended unless the code official has served the owner or the owner's agent with a notice specifying the violations and affording the owner or the agent a reasonable period of time to correct the violations.

(c) Upon the failure of the owner or the owner's agent to comply within the time specified in the notice of violation, the code official may suspend the permit.

(d) In the event the code official suspends any such permit, the owner or the owner's agent may note an appeal in accordance with section 8-1-99 and 8-1-100 of this chapter. Such suspension shall be stayed until any appeal, as set forth in section 8-1-99 and 8-1-100, has been completed. (Ord. No. 3657, 9/18/93, Sec. 1)

Sec. 8-1-117 Display and availability of permit required.

Every owner or agent must show to every prospective tenant before occupancy a valid residential rental permit covering the dwelling unit to be rented. Every owner or agent must show to

any tenant, upon demand, a valid residential rental permit covering the dwelling unit the tenant occupies. (Ord. No. 3657, 9/18/93, Sec. 1)

Sec. 8-1-118 Penalty for violation of article.

Any person violating any provision of this article shall, upon conviction thereof, be punished by a fine of not more than $1,000 or by imprisonment not exceeding six months. In addition, the court may impose a bond to assure compliance with the provisions of this article for the next succeeding year. (Ord. No. 3657, 9/18/93, Sec. 1)

Sec. 8-1-119 Enforcement by injunction.

Failure, refusal or neglect to comply with any of the provisions of this article may, in addition to any other remedy provided herein or in place thereof, be restrained, prohibited or enjoined by an appropriate proceeding instituted in a court of competent jurisdiction by the city attorney. (Ord. No. 3657, 9/18/93, Sec. 1)

Sec. 8-1-120 New construction.

The provisions of this article will not apply to any building for which a certificate of occupancy has been issued by the city's bureau of code enforcement until one year after the issuance of such certificate of occupancy.

Sec. 8-1-121 Regulations implementing article.

The city manager may establish regulations which shall be approved by resolution of city council, governing the implementation of the provisions of this article. (Ord. No. 3657, 9/18/93, Sec. 1)

§§ 8-1-122 through 8-1-129 reserved.

ARTICLE H

Registration of Vacant Buildings

Sec. 8-1-130 Vacant building registration.

(a) The owner of a building which has been continuously vacant for a period of 12 months or more must register the building with the director of code enforcement; provided, that a building shall be deemed "continuously vacant," as that term is used in this subsection, even if it is sporadically or intermittently occupied during the twelve-month period.

(b) "Director" shall mean the director of code enforcement, or the director's designee.

(c) To register a building, the owner, or the owner's agent for the building, shall provide the following information to the director:

(1) the address of the vacant building;

(2) the name, address and telephone number of the owner and the owner's agent;

(3) a detailed statement which estimates how long the building is likely to remain vacant, and the reasons for it remaining vacant during that period;

(4) a description of the measures that will be taken while the building is vacant to ensure that the property is maintained in compliance with all applicable building and health codes;

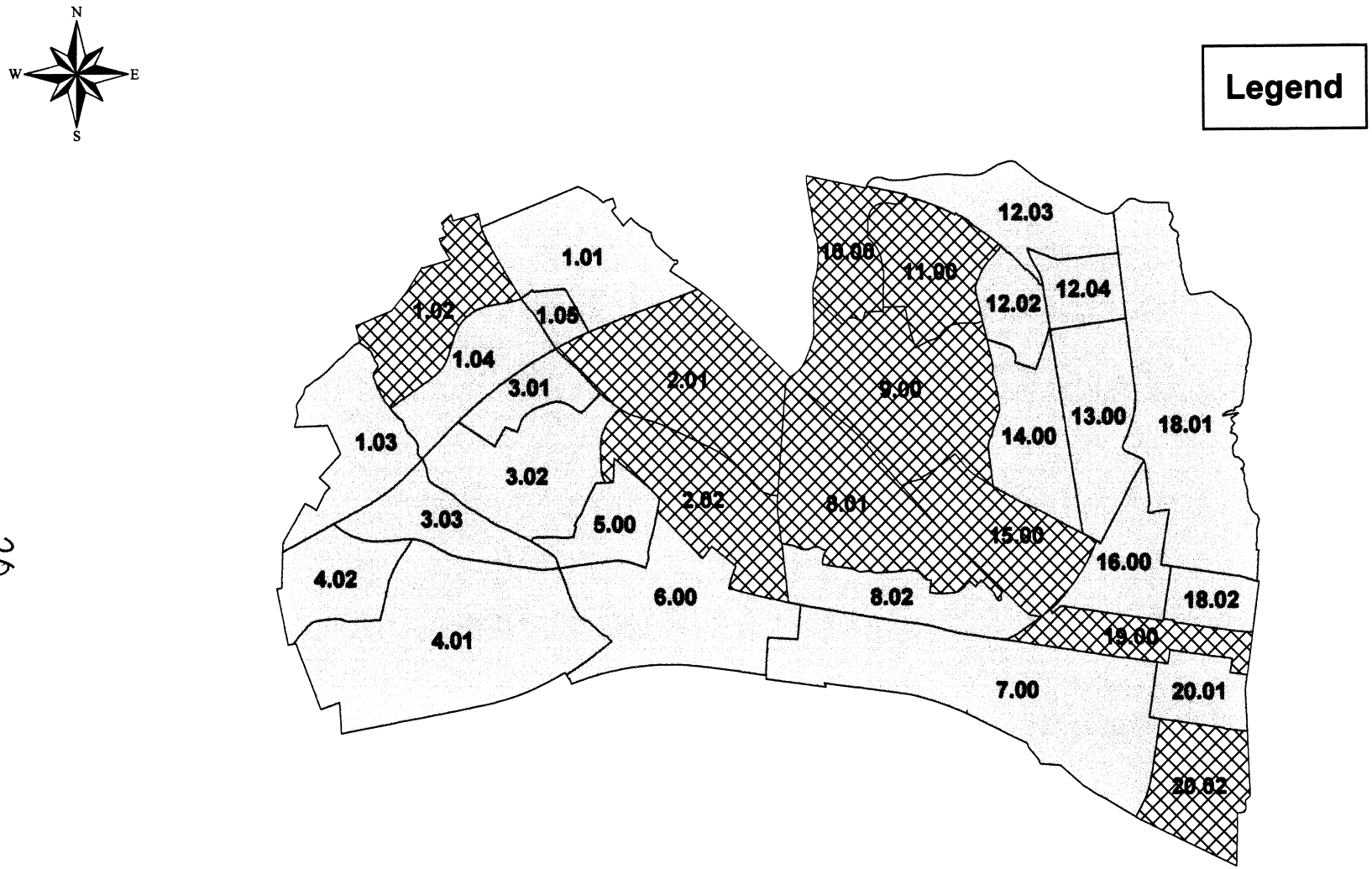
(5) proof that the owner or agent has implemented an on-going rodent abatement and prevention plan for the interior and exterior of the building; and

(6) if the building is located in a historic district established by Article X of the Zoning Ordinance of the City of Alexandria, or in any conservation or rehabilitation district established by city council, or in an area that has been declared blighted by city council, a description of the measures that will be taken to ensure that the building does not sustain significant structural damage due to neglect.

(d) The building owner shall pay an annual registration fee of $25. The fee shall be paid at the time that the building is initially registered. For each subsequent year, or any part of such year, that the building remains continuously vacant, an annual and non-refundable fee of $25 shall be paid within 15 days of the anniversary date of the building's initial registration.

(e) The director shall develop and make available a standardized form for registration. Completed forms shall be filed with and maintained by the director. (Ord. No. 4068, 9/18/99, Sec. 1)

Solid Shade = Inspection Districts



City of Alexandria
Inspection Districts for RRP Program

20

Attachment 3