

G4 Proposal to
Amend
Chapter 11 Minimum Housing Code
Rental Dwelling Unit Compliance
SUMMARY

This proposal uses permitted rationales for inspection and complies with the new anti-RUCO state statute. The Proposal takes a vigorous proactive approach to inspections as the Code Compliance Benchmark Study (CCBS) reports that a number of peer cities do. This summary is not presented in the order of the proposal, but rather for ease of understanding. Items we believe the City's draft will not contain are underlined. Most significant changes are discussed:

- LOE Office to maintain list of rental units (using broad set of sources based on list of 35,000 RUCO certificates issued) - no registration required. See new section 11-38 (c) (2).
- LOE officers to be certified similarly to building inspectors by NCGS 160A-411.1. New section 11-40.
- Applies only to Rental Dwelling Units, defined as. See New Sections 11-15 and 11-38(c).
- Bases for inspection of Rental Dwelling Unit:
 - Complaint of substandard conditions
 - Requested inspection
 - Actual knowledge of unsafe condition
 - Observed violations
 - Owners with more than two uncorrected verified violations within 12 months
 - Selected for administrative warrant inspection as permitted in the Administrative Warrant Statute
 - Owner or Tenant request.

Bullets from See New Section 11-38(c) (1) and (3).

Inspector may grant up to 90 days to repair; unless repaired the violations become “uncorrected verified violations.” Director of PCD may grant extra time in extraordinary or catastrophic circumstances. See New Section 11-38(c) (4) the change in 11-39(b). Committee unclear on this in the Nov 29 draft.

- If violations not found on initial inspection or violations are corrected by the first re-inspection there is no penalty, but if any violations remain uncorrected a penalty is levied which increases with subsequent failure to correct. (Penalties under Section 42 are not affected by new anti-RUCO statute although “special fees and tax” are) See New Section 11-38(c) (6).
- Remedying violations is owner's responsibility although penalties assessed against owner for Tenant caused violations are not owner's responsibility. See New Sec 11-38(c) (7). Committee directed that this be done, although the Nov. 29 draft did not achieve this result.
- Owner would not be permitted to rent an RDU which has more than three (3) uncorrected verified violations in the immediately preceding 12 months, unless such RDU is registered and a registration fee paid. Sec 11-38(c) (8).
- Civil Penalties may be significant if Violations not remedied and Penalties may begin on date violation becomes an “uncorrected verified violation.” See New Section 11-38(c) (9).
- A cap for penalties is proposed: the lesser of \$50,000 or 50% of the tax value. See New Sec 11-42(d).
- When a case goes to Minimum Housing Standard Commission, this proposal establishes the standard for extensions of time which is set out in the city charter Sec. 5.74(d), “...in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the housing code, to adapt the application of the code to the necessities of the case to the end that the spirit of the code shall be observed, public safety and welfare secured and substantial justice done. See New Sec 11-50(c)(4)
- Owner may be represented by another only with written authorization, including management agreement. See New Sec. 11-2

The G4 recommends implementing the recommendations contained in the Code Compliance Benchmark Study in order to have an effective minimum housing program.