

(G4) Proposal
To enforce Minimum Housing Code
In accord with new state law by
Amending Greensboro City Code
Chapter 11 Minimum Housing Code (MHC)

Add to section 11-2 Definitions

Authority to Act for owner. The owner shall be the only person (natural or otherwise), except for agents specifically appointed below, authorized to receive communications, orders, notices, etc., and is the only person authorized to deal with the owner’s Minimum Housing Code issues. In the event the owner is a nonhuman entity the Department shall deal only with an officer of the entity. Any owner may appoint as agent any individual; any such appointment shall be in writing and shall grant a general agency unless the appointment specifically limits the agent’s authority to act for owner. Any property manager with an agreement which authorizes the property manager to be the owner’s agent may rely upon that agreement so long as a copy of the agency language is provided to PCD.

Rental Dwelling Unit “RDU” is defined to be a Dwelling Unit rented or held out for rent to a person other than the owner. An RDU includes common elements and nearby areas used, or entitled to be used, by the Tenants. For section 11-38 owner means a person or entity with a legal or equitable interest in an RDU.

Add a new section 11-15

UNLAWFUL TO RENT. The offer to rent, the signing of a lease or similar document concerning, or occupancy of a building which is unfit for human habitation, is and shall be unlawful, unless an Inspector has permitted, in writing, the continued occupation of the building.

Add to Section 11-35 a new subsection d)

All notices, writings, orders, etc., to be served or provided to or by owners and tenants shall be sent as required by Section 35 of this chapter **or** as otherwise permitted by law.

New Sec. 11- 38(c). Inspections of Rental Dwelling Units (RDUs)

(c) It shall be the duty of the inspector to examine Rental Dwelling Units for the conditions described in section 11-3. The inspections office shall make examinations, investigations, and inspections for unsafe, unsanitary, or -otherwise hazardous and unlawful conditions, including violations of this code.

(1) The inspection office may select an RDU for inspection when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist within a RDU. Reasonable cause means any of the following:

- a. There has been a complaint that substandard conditions exist within an RDU; or
- b. There has been a request that the RDU be inspected; or
- c. The inspection office has actual knowledge of an unsafe condition within an RDU; or

- 45 d. That violations of the local ordinances or codes are visible from the outside of
- 46 an RDU; or
- 47 e. The owner has a history of more than two uncorrected verified violations of the
- 48 housing ordinances or codes within the immediately preceding 12 month period,
- 49 in which case all of the owner's RDUs are subject to inspection.

50 For the purpose of this subsection (c)(1)e., for inclusion on the owner with more than two
51 uncorrected verified violations list, a particular owner is presumed to include other entities
52 which

- 53 i. are under common ownership or control with the particular Owner or
- 54 ii. share any common officer with the particular Owner or
- 55 iii. share a common physical or mailing address with the particular Owner

56 For the purposes of this subsection (c) (1), entities include, but are not limited to, partnerships,
57 limited liability companies, corporations (for profit and not for profit, and corporations sole),
58 banks, insurance companies, savings and loan associations, credit unions, hospitals, health
59 organizations, unincorporated associations, religious institutions, and all similar non-human
60 associations.

61
62 The presumption in this subsection (c) (1) is rebuttable by convincing proof that there is not
63 common control of the entities.

- 64
- 65 (2) The Planning and Development Department shall maintain a list, as complete as
- 66 reasonable and practical, of RDUs, referred to as the Inventory. Sources for the
- 67 Inventory shall include all records accessible by department staff, requests for
- 68 inspection, voluntary requests for inclusion by owners or tenants, and any other sources
- 69 available to the department staff. All offices and departments of the city shall
- 70 cooperate in maintaining this list.
- 71 (3) The inspection office may also make inspections of RDUs as authorized by the
- 72 Administrative Search and Inspection Statute, North Carolina General Statutes (NCGS)
- 73 Section 15-27.2, or any amended or successor statute. No crimes shall be reported
- 74 except for crimes against a person.
- 75 (4) The time allowed for correction or repair shall be a reasonable time under the
- 76 circumstances and in the opinion of the inspector, within which to correct or repair the
- 77 violations in a workmanlike manner. The initial period shall not exceed thirty days
- 78 from the order issued pursuant to 11-39. Said time may be extended in accordance with
- 79 section 11-39.
- 80 (5) A violation becomes an uncorrected verified violation for the purpose of this section
- 81 38(c) only when the violation is not corrected or repaired in a workmanlike manner
- 82 within the correction or repair time allowed.
- 83 (6) If there are no violations found at the initial inspection, or if any violations found at the
- 84 initial inspection are corrected or repaired by the time of first re-inspection, there shall
- 85 be no civil penalty under this sub-section (c). A civil penalty shall be imposed,
- 86 pursuant to this sub-section (c), at the time of the first re-inspection, when there exists
- 87 at that time uncorrected or unrepaired violations. A civil penalty shall imposed,
- 88 pursuant to this sub-section (c) at the time of the second re-inspection, when there exist
- 89 at that time uncorrected or unrepaired violations. Said second re-inspection civil
- 90 penalty shall be double the amount of the first re-inspection penalty. A civil penalty

91 shall be imposed, pursuant to this sub- section (c), for each subsequent re-inspection of
92 an RDU when there exist at that time uncorrected or unrepaired violations. The
93 subsequent re-inspection civil penalty imposed pursuant to this subsection (c), shall be
94 two and two thirds the amount of the first re-inspection penalty. The first re-inspection
95 penalty shall be set in accordance with the City’s Schedule of Fees and Services
96 established by City Council.

- 97 (7) Owner shall not be responsible for penalties under this sub-section 38(c) for
98 violation(s) determined by the inspector to be caused by the tenant, tenant’s guests, or
99 invitees, but shall be responsible for ensuring that the RDU is brought into compliance
100 with this Code.
- 101 (8) In order to be permitted to rent, to offer to rent, to sign a lease or similar document, or
102 allow to be occupied, an RDU which has more than three (3) uncorrected verified
103 violations in the immediately preceding 12 months, the city shall require any owner of
104 such RDU to register said property with the city and pay a registration fee. The dollar
105 amount of the registration fee shall be in accordance with the City’s Schedule of Fees
106 and Services established by City Council in an amount that covers the cost of operating
107 this residential registration program and shall not be used to supplant revenue in other
108 areas. The RDU shall remain registered and he fee shall be collected for each
109 successive twelve month period in which there are more than three (3) uncorrected
110 verified violations. Such property may be inspected form time to time and shall be
111 inspected within 9 months of the completion of the corrections or repairs. The twelve
112 month (12) period shall begin on the date of the completion of the corrections or
113 repairs.
- 114 (9) If uncorrected verified violations which exist at the end of the correction and repair
115 period and any extraordinary time allowed pursuant to section 11-39(b), then:

- 116 a. any penalties, and/or fees shall begin to accrue on that date;
117 b. subsection (c)(8) shall become applicable; and
118 c. all financial consequences (penalties, fees, costs, etc.) charged by the
119 city against the owner shall become a lien against the RDU with respect to
120 which said financial consequences were incurred, and said lien shall be filed,
121 have the same priority, and be collected or foreclosed upon in the same manner
122 as is provided for assessments for local improvements; and
123 d. The procedure for notices, etc., of this sub-section 38(c) shall be the
124 same as those of section 11-39 such that if the RDU is not in compliance with
125 this Code at the end of the all of the correction and repair time granted under
126 this Section 38(c), the process continues as set out in Section 11-39 without
127 duplication.
128

129 **The sentence in 11-39 (b) which reads as follows shall be deleted:**

130 “The order shall require the owner, within a reasonable time fixed by the inspector, but
131 not less than thirty (30) days nor more than two hundred seventy (270) days, to make
132 such corrections or repairs, alterations or improvements necessary to correct existing
133 violations of the minimum standards and requirements set forth in this chapter;”
134

135 **And replaced with the following:**
136

137 The order shall require the owner, within a reasonable time fixed by the inspector, but
138 not less than thirty (30) days nor more ninety days (90) days, to make such corrections,
139 repairs, alterations or improvements necessary to correct existing violations of the
140 minimum standards and requirements set forth in this chapter (time is to be calculated
141 from the date of the order). The time may thereafter be extended by the inspector but
142 not beyond ninety (90) days after the order to correct or repair is made. Time may be
143 further extended by the Director of PCD in extraordinary or catastrophic circumstances.

144 **Add a New Section 11-40: Inspectors**

145 All inspectors in this Chapter shall be certified in at the least the international Property
146 Maintenance Code or similarly to building inspectors pursuant to NCGS 160A-411.1.

147 **The following changes in Section 110-42 “Penalties for violations of housing code.” are made:**

148 **Delete in subsections (a) and (b) of this section 42,** the words “except section 11-40.”

149 **Change in subsection 42(b)** the phrase “Civil penalties assessed under this section” to read “Civil
150 penalties assessed under this chapter”

151 **Add the following sections in section 42:**

152 (d) All penalties and fees shall not exceed the lesser of _____\$50,000_____Dollars or fifty
153 per cent (50%)(?) of the tax value of the building or RDU.

154 (e) Penalties may be administered and collected by the Collection office of the City of
155 Greensboro or as otherwise directed by the city council. Liens shall and must be
156 administered by the Collections office of the City.
157

158 **Add in Section 11-50”Vote required to reverse inspector” a new sub-section (c) (4):**
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160 The commission shall fix a reasonable time for the hearing of all appeals and shall render its
161 decision within a reasonable time. Any party may appear in person or by agent or attorney. The
162 commission shall have power also in passing upon appeals, in any case where there are
163 practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the
164 housing code, to adapt the application of the code to the necessities of the case to the end that
165 the spirit of the code shall be observed, public safety and welfare secured, and substantial
166 justice done.
167

168 **Section on Severability**
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170 In addition to Severability pursuant to Code § 1-7, if a section, subsection, sentence, clause, or
171 phrase of this chapter is, for any reason, held to be unenforceable, such decision shall not affect
172 the validity of the remaining portions of this Chapter.