

CHAPTER 163: RENTAL HOUSING REGISTRATION

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§ 163.01 INTRODUCTION; PURPOSE.

It is the intention of the city to take steps that will improve the livability and valuation of the city's housing stock and to promote revitalization of the city's neighborhoods. Studies have shown that rental housing tends to generate a disproportionately high level of code violations and code enforcement problems. Inspecting rental housing and requiring compliance with the minimum level of housing standards contained in the Property Maintenance Code, as adopted by the city, shall help reduce housing deterioration in the city's neighborhoods and will promote revitalization. With this in mind, this chapter sets forth a rental housing registration and inspection program.

(Ord. 7790, passed 11-7-95; Am. Ord. 8074, passed 2-1-00; Am. Ord. 8569, passed 1-2-08; Am. Ord. 9051, passed 5-3-16)

§ 163.02 DEFINITIONS.

(A) General guidelines. The Property Maintenance Code, as adopted in Chapter 167, shall be the source of definitions affecting the provisions of this chapter unless specifically provided hereinafter in this section. When conflicts occur, definitions provided in the Property Maintenance Code shall apply.

(B) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CODE OFFICIAL." The Director of the City's Department of Engineering and Urban Services, or his/her designee.

"DWELLING." (See Property Maintenance Code.)

"LOCAL REPRESENTATIVE." Designee, provided at time of registration by the owner of a rental dwelling, having sufficient authority to act on behalf of the owner concerning a rental dwelling unit.

"OWNER." Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court having jurisdiction.

"OWNERSHIP; CHANGE IN." Change of owners as described herein, in addition to any sale by contract whether recorded or not, and any transfer of property title or rights to property whether or not remuneration is provided.

"REGISTRATION CERTIFICATE." A written document, signed by the Code Official, certifying that a rental dwelling is registered pursuant to this chapter.

"RENTAL DWELLING." A dwelling unit which is not owner-occupied and which is rented, offered for rent, loaned, let or hired out by any person to any other person including a dwelling unit being sold on contract, regardless of whether or not that contract has been recorded.

(Ord. 7790, passed 11-7-95; Am. Ord. 8569, passed 1-2-08; Am. Ord. 8634, passed 2-3-09; Am. Ord. 9051, passed 5-3-16)

§ 163.03 REGISTRATION OF RENTAL DWELLINGS REQUIRED.

(A) It shall be unlawful for anyone to own a rental dwelling within the city unless said dwelling has been registered with the Code Official according to the provisions of this chapter. Owners of any rental dwelling shall register their dwelling(s) and provide the information required on forms provided by the Code Official. The City may give notice to owners requiring registration but the obligation to register rests with the owner of the dwelling regardless if notification is received. Owners shall be required to provide tenant information to the Code Official upon request.

(B) Owners of hotels or other similar dwellings that are otherwise licensed or registered by the city shall not be required to register or pay any registration fees provided herein.

(C) Nursing Homes, Assisted Living Facilities, Community Residences, and Group Homes as defined in the Danville Zoning Ordinance; and Public Housing owned by a governmental agency shall not be subject to the requirements of this Chapter

(Ord. 7790, passed 11-7-95; Am. Ord. 8074, passed 2-1-00; Am. Ord. 8569, passed 1-2-08; Am. Ord. 9051, passed 5-3-16)

§ 163.04 REGISTRATION; PERIOD; FEES.

(A) All rental dwellings shall be registered on January 1 of each year. The registration period shall be January 1 through December 31 of each year. Any registration certificate which may be issued after January 1 of any given year shall be valid only through December 31 of that year.

(B) The registration fee shall be \$15 per unit. The registration fee shall not be prorated for any portion of a year.

(C) The registration fee shall be payable upon filing the registration form with the Code Official.

(D) Reasons for Denial. The Code Official may withhold the issuance of a registration certificate if the rental dwelling is not ready or available for occupancy. If the rental dwelling is being constructed or remodeled, the registration shall not be issued until the rental dwelling has received a Certificate of Occupancy. If a Certificate of Occupancy is not issued within 90 days after the application is filed, the registration may be voided. If voided, no refund of the registration fee shall be made. The Code Official may also withhold issuance of a registration certificate if the applicant has had a previous registration certificate revoked.

(Ord. 7790, passed 11-7-95; Am. Ord. 8569, passed 1-2-08; Am. Ord. 8673, passed 12-1-09; Am. Ord. 9051, passed 5-3-16)

§ 163.05 APPLICATION REQUIREMENTS.

The registration shall be submitted on forms provided by the Department and shall include the following information:

- (A) The address of the rental dwelling and number of rental dwelling units in the rental dwelling;
- (B) The name, street address, telephone numbers, and email address of the owner or owners;
- (C) The name, street address, telephone numbers, and email address of the local representative if applicable;
- (D) The name, street address, telephone numbers, and email address of the contract buyer if applicable;
- (E) Owners or designees signature and date of submittal.

(Ord. 9051, passed 5-3-16)

§ 163.06 RESPONSE TIME; LOCAL REPRESENTATIVE; CHANGE OF REPRESENTATIVE.

(A) Any owner, local representative, or designee shall be required to respond and meet with the Code Official or other city officials within four hours of being notified of the need for such meeting in an emergency situation and within 24 hours of being notified of the need for such meeting in a non-emergency situation. Any owner who cannot meet this obligation shall provide a local representative, capable of meeting the obligation.

(B) Upon any change in the local representative of a specific rental dwelling, the owner shall be required to notify the Department within 30 days.

(Ord. 7790, passed 11-7-95; Am. Ord. 8569, passed 1-2-08; Am. Ord. 9051, passed 5-3-16)

§ 163.07 CHANGE OF OWNERSHIP.

Upon any change in ownership of a specific rental dwelling the new owner shall be required to re-register said dwelling within 30 days of purchase. Re-registrations shall comply with all the requirements of this chapter including the payment of applicable registration fees.

(Ord. 7790, passed 11-7-95; Am. Ord. 8569, passed 1-2-08; Am. Ord. 9051, passed 5-3-16)

§ 163.08 VIOLATION OF REGISTRATION PROVISIONS.

Any owner found to have failed to register a rental dwelling unit pursuant to § 163.04 shall be required to pay a penalty of \$200 per unregistered unit in addition to the registration fee. In addition to any fees or other penalties, any violation of the registration requirements of this chapter shall result in the unregistered unit or units being subject to an inspection of the interior of such unit or units. All fees and penalties due on a rental dwelling unit must be paid in full prior to issuance of a registration certificate.

(Ord. 7790, passed 11-7-95; Am. Ord. 8569, passed 1-2-08; Am. Ord. 9051, passed 5-3-16)

§ 163.09 INSPECTION SCHEDULE ESTABLISHED.

Once a rental dwelling is registered, said dwelling shall be placed on a schedule for an exterior inspection by the Code Official. The specific schedule shall be determined by the Code Official.

(Ord. 7790, passed 11-7-95; Am. Ord. 8074, passed 2-1-00; Am. Ord. 8569, passed 1-2-08; Am. Ord. 9051, passed 5-3-16)

§ 163.10 COMPLAINTS.

No provision of this chapter shall prohibit the Code Official from scheduling an inspection or re-inspection, whether external or internal, based upon a complaint.

(Ord. 7790, passed 11-7-95; Am. Ord. 8074, passed 2-1-00; Am. Ord. 8569, passed 1-2-08; Am. Ord. 9051, passed 5-3-16)

§ 163.11 OUTSTANDING CODE VIOLATIONS.

(A) Any rental dwelling with the following level one code violations identified in Section 106 of the International Property Maintenance Code categorized as: "Structural Defects", "Electrical Systems", "Plumbing Systems", "Heating Systems", or other structure-related violation, such as a broken window, that, if left unabated, could lead to serious interior violations, that is in existence and not addressed within ten calendar days after receiving initial notice of said violation may authorize the Code Official to schedule and conduct an interior inspection or re-inspection of the rental dwelling units on that property. Sufficient notification is considered either a phone call, electronic transmission, or first class standard mail with notification considered beginning three days from the date printed on the letter.

(B) If two or more level one code violations, as identified in division (A) above, are found to exist within a calendar year on a property containing rental dwelling units this may authorize the Code Official to schedule and conduct an interior inspection or re-inspection of the rental dwelling units on that property.

(Ord. 9051, passed 5-3-16)

§ 163.12 INSPECTION.

(A) If a rental dwelling is occupied, the Code Official shall contact the occupant to schedule the inspection of said dwelling and shall notify the owner of the date and time of such inspection. On the specified date at the specified time, the occupant shall provide access to the Code Official for the inspection. If the occupant fails to provide access, the Code Official shall obtain an administrative search warrant to conduct the inspection.

(B) If a rental dwelling is unoccupied, the Code Official shall contact the owner of said dwelling to schedule the inspection. On the specified date at the specified time, the owner shall provide access to the Code Official for the inspection. If the owner fails to provide access, the Code Official shall obtain an administrative search warrant to conduct the inspection.

(C) The scope of an inspection performed pursuant to this chapter shall be limited to the minimum housing standards set forth in the Property Maintenance Code, as adopted by the city. The Property Maintenance Code, as adopted by the city, shall act as the basis for the Code Official in determining whether code violations exist.

(D) In the case of a multi-family rental dwelling, the Code Official shall determine which units to inspect.

(E) Upon completion of an inspection performed pursuant to this chapter, the Code Official shall prepare a written inspection report. Said report shall include, but not necessarily be limited to, the following information:

- (1) Address of the rental dwelling inspected;
- (2) Name of the owner of such dwelling;
- (3) Date of the inspection;
- (4) List of all code violations;
- (5) Name of the person responsible for removing the code violations.

(Ord. 7790, passed 11-7-95; Am. Ord. 8074, passed 2-1-00; Am. Ord. 8569, passed 1-2-08; Am. Ord. 9051, passed 5-3-16)

§ 163.13 REGISTRATION CERTIFICATE.

(A) Issuance.

(1) Upon registration, a registration certificate shall be issued by the Code Official for the rental dwelling unit registered.

(2) Said certificate shall be valid through December 31 of the year in which the certificate is issued, unless a change of ownership of the rental dwelling occurs or the certificate is terminated pursuant to subsection (B).

(B) Revocation.

(1) The Code Official may revoke a previously issued registration certificate under any of the following conditions:

- (a) An inspection performed based upon a complaint reveals violations that constitute a threat to the health, safety or welfare of the occupant(s); or
- (b) A re- inspection reveals violations that constitute a threat to the health, safety or welfare of the occupant(s); or
- (c) The owner is convicted for maintaining a public nuisance pursuant to Chapter 141 of this Code.
- (d) If level one code violations, as depicted in § 163.11, result in a conviction after an administrative adjudication hearing or court hearing.

(2) The holder of the registration certificate may appeal the decision of the Code Official to revoke the registration certificate pursuant to Chapter 164.

(3) If a condition described above exists which results in the revocation Of a registration certificate, the Code Official may seek an order to have the rental dwelling vacated of all occupants within 30 days once a registration is revoked.

(Ord. 7790, passed 11-7-95; Am. Ord. 8569, passed 1-2-08; Am. Ord. 9051, passed 5-3-16)

§ 163.14 STATUS REPORT UPON SALE OR EXCHANGE OF DWELLING.

Prior to the sale or exchange of ownership of any rental dwelling, the owner thereof shall deliver a copy of the most recent inspection report, if any, to the buyer of such dwelling prior to the consummation of the sale thereof.

(Ord. 7790, passed 11-7-95; Am. Ord. 8074, passed 2-1-00; Am. Ord. 8569, passed 1-2-08; Am. Ord. 9051, passed 5-3-16)

§ 163.99 PENALTY.

Any person found guilty of violating any provision of this Chapter shall, in addition to any other penalty provided in this Chapter, be fined not less than \$100 nor more than \$2,500 for each offense. Each day a violation continues shall be deemed a separate offense. In addition to any fine imposed under this chapter, the offender shall be ordered to pay all of the costs and fees incurred by the City in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or circuit court proceeding, and reasonable attorney's fees.

(Ord. 7790, passed 11-7-95; Am. Ord. 8074, passed 2-1-00; Am. Ord. 8569, passed 1-2-08; Am. Ord. 9051, passed 5-3-16)