

## PROPOSED AMENDMENTS

14-0263

AN ORDINANCE to amend Subsection 8.01(Q); repeal and recreate Section 8.06 concerning the Mandatory Inspection and Registration Program for Residential Rental Properties; repeal and recreate Section 8.07 concerning Mandatory Inspection Standards and Enforcement; create Section 8.08 concerning Notice of Building Code Violations; create Section 8.09 concerning Fees for Re-inspection; and amend Section 25.01 establishing fees.

### **PROPOSED CHANGE TO 8.06(B) (9) :**

- (9) "Rent" means to lease, sublease, to let or to otherwise grant for consideration the right of a tenant to occupy a dwelling not owned by the tenant. To rent to a tenant includes any scheme or device, which does not provide for possession of the property by the true beneficial owner so that the property is an owner-occupied dwelling.

### **PROPOSED CHANGE TO 8.06(c) :**

8.06(C) Registration Certificate Required.

- (1) No owner shall rent any dwelling unit to another person unless, at the time the dwelling unit is rented, the owner possesses a valid registration certificate issued by the City for the operation of that dwelling unit. Unless a dwelling unit has a valid registration certificate or a provisional registration certificate, no owner of a dwelling or dwelling unit shall permit any person to occupy the dwelling or dwelling unit as a tenant or otherwise.
- (2) A registration certificate may be issued upon proof and compliance with the following:
  - (a) Completion of an application for a registration certificate.
  - (b) Issuance by the Department of a valid Proof of Inspection for a dwelling unit to be rented.
  - (c) Payment of the fees as set forth in Section 25.01 of this Code. All fees are non-refundable and are not pro-rated for any partial registration year.

### **PROPOSED CHANGE TO 8.06(E) (6) :**

- (6) The first inspection of a newly constructed dwelling or dwelling unit intended for rent may be waived by the Chief Inspector of the Department for a period of up to five (5) years after the issuance of the initial Certificate of Occupancy by the Department. Such waiver does not relieve the owner of any other obligations of this section or Code.

### **PROPOSED CHANGE TO 8.06(F) :**

- (F) Issuance of Proof of Inspection.
  - (1) After inspection, the Department shall issue a Proof of Inspection upon making a determination that the observable conditions of the dwelling or dwelling unit conform to the requirements of the Code. The Proof of Inspection shall

specify the date of issuance, the address of the dwelling or dwelling unit to which it applies and the name of the owner. The Proof of Inspection is not transferrable. The Proof of Inspection does not grant the owner the privilege of renting the dwelling or dwelling unit for residential occupancy, but must be accompanied by a valid registration certificate. All violations of the Code shall be corrected prior to issuance of a Proof of Inspection.

- (2) Except for dwellings and dwelling units currently registered under the City's mandatory inspection and registration program prior to the effective date of this ordinance [INSERT DATE], a Proof of Inspection shall be valid for five (5) years. For any dwelling or dwelling unit currently registered under the City's mandatory inspection and registration program prior to the effective date of this ordinance [INSERT DATE], the Department shall issue an initial Proof of Inspection for the duration of the residue of the five (5) year revolving inspection schedule applicable to said dwelling or dwelling unit. Notwithstanding, dwellings and dwelling units may be inspected again, including, without limitation, when a complaint is received, probable cause of substandard building, dwelling or dwelling unit exists, an inspection is requested by the owner, owner's agent, manager, or tenant, or randomly. If after issuance of a Proof of Inspection, the Department subsequently finds the dwelling or dwelling unit has conditions which affect safe, decent and sanitary living conditions of the persons occupying a dwelling or dwelling unit or violate the provisions of the housing, plumbing, electrical, fire, or zoning code, the Department may revoke the Proof of Inspection.

**PROPOSED CHANGE TO 8.06(G) :**

- (G) Waiver. A waiver may be given from the provision of this section for the rental of a single family residence that is to be rented on a one-time basis for a period of six (6) months or less upon the written request of the owner to the Chief Inspector as may be approved by the Judiciary and Administration Committee and the Common Council in its sole discretion. Such single family residence continues to be subject to all other provisions of the Code including the housing, plumbing, electrical, fire and zoning codes.

**PROPOSED CHANGE TO 8.06(H) (2) :**

- (2) No owner shall rent a dwelling or dwelling unit to another person after the registration certificate is revoked, suspended, or non-renewed. Upon revocation, suspension, or non-renewal of the registration certificate, the Department shall immediately notify the tenant(s) of the affected dwelling unit that the owner does not have a registration certificate.

**PROPOSED CHANGE TO 8.06(I)**

- (I) Reinstatement of the Registration Certificate. Where a registration certificate was denied, revoked, or non-renewed for failure to comply with an order of the Department to correct any condition in the dwelling or dwelling unit which violates any provision of the Code, an owner may seek reinstatement of the registration certificate upon the filing of a new application for the dwelling or dwelling unit and payment of a reinstatement fee as set forth in Section 25.01 in addition to the application fee. Where a registration certificate was denied, revoked, or non-renewed for any reason other than failure to comply with an order of the Department to correct any condition in the dwelling or dwelling unit, the owner may not reapply for a registration certificate for one hundred eighty (180) days from the date of the denial, revocation, or non-renewal. A registration certificate that has been suspended may be reinstated upon compliance with the requirements of the Chief Inspector of the Department which formed the basis of the suspension and payment of the reinstatement fee.

**PROPOSED CHANGE TO 8.06(K) (1) :**

- (1) Any owner failing to apply for a registration certificate for a dwelling or dwelling unit or who rents a dwelling or dwelling unit to another person after the registration certificate is revoked, suspended, non-renewed or expired, shall be subject to a forfeiture of not less than \$500.00 nor more than \$1,000.00 for the first violation; not less than \$500.00 nor more than \$2,000.00 for the second offense; and not less than \$750.00 nor more than \$3,000.00 for the third or subsequent offense. Each day that a violation continues to exist constitutes a separate offense.

**PROPOSED CHANGE TO 8.07(D) (3) TO 8.07(D) (10) :**

- (3) Chapter VII entitled Offense Endangering Public Safety, Peace, Morals and Property  
(4) Chapter VIII entitled Dwelling and Sanitary Regulations  
(5) Chapter XV entitled Zoning  
(6) Chapter XVI entitled Building Code  
(7) Chapter XVII entitled Electrical Code  
(8) Chapter XVIII entitled Heating, Ventilating, Air Conditioning and Appliances Code  
(9) Chapter IXX entitled Plumbing Code  
(10) And all other sections of this Code as required to preserve and promote the private and public interest which shall be applied as required in the enforcement of this Code.

**PROPOSED AMENDMENT TO 8.07(E) (3) :**

- (3) Escape Windows and Doors. Sleeping rooms shall have at least one operable window or exterior door approved for emergency escape or rescue. The window or door shall be operable from the inside to provide a full clear opening without the use of separate tools or special knowledge and shall open directly onto a public way or a yard or court located on the same lot as the dwelling.