

CHAPTER 5 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE IV - MULTIFAMILY RENTAL HOUSING

Sec. 5-101. - 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 official. The building inspector for the City of Duluth.

Certified building inspector. Any person inspecting for compliance with this article who is certified pursuant to 5-105.

Code compliance certificate. A certificate, executed by a certified building inspector and stating compliance with those minimum standards described in the inspection report.

Inspection report. The report attached to the code compliance certificate describing minimum requirements for inspection of each multifamily rental unit in the premises.

Lease. Any written agreement which sets forth any and all conditions concerning the use and occupancy of multifamily rental dwellings or multifamily rental units.

Multifamily rental dwelling. Any structure, building, or other facility containing four (4) or more multifamily rental units that is leased to a tenant or tenants for use as a home, residence, or sleeping unit. This definition includes, but is not limited to, multiple-family dwellings, multiple-family apartment units, boardinghouses, rooming houses, group homes, and flats.

Multifamily rental unit. Any one area, room, structure, flat, apartment, or facility of a multifamily rental dwelling that is being leased or rented to only one tenant, group of tenants, or family under one lease, or under terms of joint and severable liability.

Occupant. All tenants, lessees and persons residing within a multifamily rental unit.

Owner. Any person, agent, firm, corporation or other entity having a legal interest in a premises.

Owner-occupied. Any part of a structure used as living quarters by the owner of said structure where other parts of the structure are used as multifamily rental units. Example: Two-family dwelling, owner occupies one flat; rooming house, owner occupies one unit.

Premise. Any lot or piece of land that includes a multifamily rental dwelling or multifamily rental units.

Sec. 5-102. - Fee and certificate required.

- (a) All owners of multifamily rental dwellings or multifamily rental unit(s) within the city that make available for lease or receive income for use of four (4) or more such dwellings or units and meet the requirements of O.C.G.A. § 48-13-5 for having a location or office within the city must obtain an Occupational Tax Certification from the City pursuant to Chapter 7 of the Duluth Municipal Code.

- (b) All owners of multifamily rental dwellings or multifamily rental unit(s) within the city that make available for lease or receive income for use of four (4) or more such dwellings or units shall register such dwellings/units with the City and pay a regulatory fee of \$100 on an annual basis to participate in the Multifamily Housing Inspection program.
- (c) Each owner of a multifamily rental dwelling pursuant this chapter shall submit a code compliance certificate annually with their Occupational Tax Certificate renewal. Such annual code compliance certificate shall cover at least twenty (20) percent of the units, provided all units shall be inspected, at a minimum, every five (5) years. All units inspected shall be listed individually on the code compliance certificate submitted to the city by the certified building inspector. When a newly constructed or significantly renovated multifamily rental dwelling receives a certificate of occupancy, additional inspections on said unit pursuant to this section are not required for five (5) years. The Building Official shall determine if renovated units qualify for the five (5) year grace period based on the scope of renovations. After five (5) years has elapsed, regular annual inspection of 20% of units shall commence and continue as required by this section. Furthermore, exterior inspections shall cover at least 20% of the buildings and their surrounding premises, provided all buildings shall be inspected at a minimum, every five (5) years.
- (d) If inspection of such dwellings or units by a certified building inspector results in a determination that further work is necessary to comply with all applicable building and life safety codes and the minimum standards set forth herein, an acceptable plan shall be submitted to the chief building official outlining the time and scope of work necessary to bring the units into compliance. If such plan is accepted by the chief building official as reasonable and justified, an extension may be granted for up to one (1) year for completion of repairs and compliance with this ordinance. No extension shall be granted if life safety issues are involved and any such units shall not be leased until brought into compliance.”
- (e) Furthermore, each owner shall keep a written record of all inspections for each multifamily rental unit including the date of the inspection, items inspected and all violations, if any, observed. In addition, the most recent copy of the inspection reports for the multifamily rental units shall also be maintained at the premises. Such records shall be presented to the city within ten business days after such request is made in writing to the owner at the contact address listed on the code of compliance certificate. Failure to provide such records shall nullify the code compliance certificate for those multifamily dwelling units included in the request.
- (f) The building official or its designee shall have the authority to inspect the interior of those units that are included in each annual code compliance certificate submitted to the city pursuant to subsection (b) of this section when there is probable cause to believe there has been a violation of this chapter or other applicable code sections. Said inspection may, at the discretion of the building official, include such number of submitted units included in the code compliance certificate as determined by the building official or its designee. Once determined that an audit inspection will be conducted, the building official shall give written notice to the certified building inspector issuing the code compliance certificate, the owner and/or the property management company of the date of the inspection which inspection shall take place, which shall be no sooner than seven days from the date of the notice and shall be conducted on from 9:00 a.m. to 5:00 p.m. during weekdays, other than nationally recognized holidays. The written notice

shall state that the owner and/or property management company shall have the right to refuse the inspection and the building official or designee's right to seek issuance of an inspection warrant in the event of any such refusal. The owner, the certified building inspection or a member of the property management company shall be available to accompany the building official during the inspection. In the event the owner and/or property management company refuses inspection, the building official or designee shall have the right to seek issuance of an inspection warrant from a judge of the municipal court.

Sec. 5-103. - Failure to provide code compliance certificate.

- (a) Failure to provide the code compliance certificate as provided herein shall be a violation of this chapter and is subject to those penalties contained herein and in section 1-6.
- (b) Further, said failure, upon a judicial determination, shall be a condition constituting probable cause, and may subject said multifamily rental dwelling or multifamily rental units to inspection by the building official, at a fee as determined by the governing body of the city, that includes all costs of such inspection by the city. Said inspection by the city, if required, shall be performed at the sole cost of the owner and failure to pay said cost shall result in a lien being placed on the premises as provided for in city Code. Nothing contained in this chapter shall prevent the city from enforcement of the state minimum standard codes as provided in this chapter during the city's inspection of the multifamily rental units.
- (c) Failure to pay the occupational tax as provided herein shall be a violation of chapter 7 and is subject to those penalties set forth in chapter 7 and as otherwise provided in the Code.

Sec. 5-104. - Penalty for false certification and false inspection.

- (a) An owner who knowingly furnishes a code compliance certificate to the city which contains a false certification that any multifamily rental dwellings or multifamily rental unit inspected are in compliance with those standards contained in the code compliance certificate shall be guilty of a violation of this chapter for each multifamily rental dwelling or multifamily rental unit for which the code compliance certificate is shown to be false and can be fined by the court for each violation up to \$1,000.00 for each dwelling or unit.
- (b) A certified building inspector who knowingly, recklessly, or negligently furnishes an inspection report which contains fraudulent information that a multifamily rental dwelling or multifamily rental unit meets the minimum standards of this chapter, shall be guilty of a violation of this Code and can be fined, by the court for each violation up to \$1,000.00 for each dwelling or unit. In addition, the certified building inspector's right to submit inspection reports to the city shall be suspended for a state prior of time, up to five years.
- (c) A property manager who knowingly furnishes a code compliance certificate to the city which contains a false certification that any multifamily rental dwelling or multifamily rental unit inspected are in compliance with those standards contained in the code compliance certificate shall be guilty of a violation of this chapter for each multifamily rental dwelling or multifamily rental unit for which the code compliance certificate is shown to be false and can be fined by the court for each violation up to \$1,000.00 for each dwelling or unit.

Sec. 5-105. - Certified building inspector requirements.

All inspectors wishing to submit or participate in the city's multifamily rental housing evaluation program must comply with the following requirements:

- (1) The inspector must be a licensed design professional (architect or engineer) or hold one of the following certifications from the International Code Council (ICC): property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner or commercial combination inspector.
- (2) The inspector must submit a copy of his business license or occupational tax certificate and certificate of insurance of liability insurance.
- (3) The inspector must meet with the building official to present the qualifications noted in subsections (1) and (2) of this section for approval prior to performing any inspections pursuant to this chapter. Upon completion of this meeting, an inspector determined to be qualified by the building official will be placed on a list of approved certified building inspectors to be maintained by the city.
- (4) From time to time, mandatory meetings will be called by the city building official which all certified building inspectors participating in the program must attend, except as permitted on an individual basis by the building official due to extenuating circumstances. Ample notice will be provided by the city to the contact address provided by the certified building inspector no less than two weeks prior to the date of the meeting.

Sec. 5-106. – Interior and exterior evaluations of multifamily properties

- (a) Interior evaluations will be conducted to ensure compliance with the International Property Maintenance Code, the Life Safety Code and the International Fire Code and other referenced standards contained herein and, at a minimum, will include inspections of the following items. International Property Maintenance Code, the Life Safety Code, the International Fire Code and other referenced standards contained herein.
- (b) Exterior evaluations will be conducted evaluating for compliance with the latest edition of the International Property Maintenance Code, the Life Safety Code and the International Fire Code and other referenced standards contained herein.
- (c) The City shall maintain a checklist of interior evaluations and a checklist of exterior evaluations in the Department of Planning and Development. The checklists shall include, at a minimum, the required standards of the latest adopted edition of the International Property Maintenance Code, the Life Safety Code and the International Fire Code.