

ORDINANCE NO. 2162

AN ORDINANCE to amend and reordain Chapter 18 of The Code of the City of Alexandria, Virginia, 1963, as amended, by designating existing Sections 18-1 and 18-2 as Article I, by designating existing Sections 18-3 through 18-35 as Article II and by adding a new Article III consisting of Sections 18-36 through 18-47; which Chapter 18 relates to HOUSING STANDARDS, which Article I relates to TITLE AND DEFINITIONS, which Article II relates to STANDARDS AND ENFORCEMENT and which new Article III and the new sections thereunder relate to RESIDENTIAL RENTAL PERMITS, PROVIDES FOR THE REQUIREMENT OF RESIDENTIAL PERMITS, ESTABLISHES FEES AND STANDARDS, PROVIDES FOR INSPECTIONS AND ENFORCEMENT PROCEDURES AND PROVIDES FOR INJUNCTIONS AND PENALTIES FOR VIOLATIONS.

WHEREAS, the City of Alexandria has experienced a deterioration in the quality of certain residential rental properties and is desirous of preventing a further deterioration in such residential rental properties;

WHEREAS, the failure to properly maintain certain residential rental properties has resulted in blighted areas that are detrimental to public health, safety and welfare and has resulted in associated economic loss to the city;

WHEREAS, those persons who engage in the business of leasing residential property should as a condition of doing business in the city meet the provisions contained in the city's Minimum Housing Hygiene Standards Code; and

WHEREAS, experience in other cities has demonstrated that a residential rental permit program deters blight and provides many social and economic benefits to the community;

WHEREAS, the City Council has determined and so finds that the rental of residential property is a business affected with the public interest.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 18 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by designating Sections 18-1 and 18-2 as Article I and by entitling such article, Title and Definitions.

Section 2. That Chapter 18 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by designating Sections 18-3 through 18-35 as Article II and by entitling such article, Standards and Enforcement.

Section 3. That Chapter 18-of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new Article III to read as follows:

Article III. Residential Rental Permits

Sec. 18-36. Residential rental permit required.

Every owner who shall engage in the business of renting dwellings or dwelling units located within the city is required to obtain a residential rental permit issued by the director. Any owner engaged in the business of renting dwellings or dwelling units within the city shall not be subject to the provisions of this article unless such owner owns more than four (4) dwellings or dwelling units within the city.

In addition to the definitions in Section 18-2 "dwellings" or "dwelling units" shall be further construed to include the rental of a building or home or portion thereof used for residential purposes, including single-family, two-family and multi-family dwellings, but shall not include hotels, motels, tourist homes or boarding and rooming houses.

Sec. 18-37. Applications.

Applications for issuance or renewal of a residential rental permit shall be made by either the owner or his agent to the director on forms to be provided by the director.

A fee of \$1.50 per dwelling or dwelling unit for each dwelling or dwelling unit owned by the applicant and subject to the provisions of Article III of this Chapter shall be paid with the filing of the application.

It shall be unlawful for any person to knowingly make any false statements in any application for a residential rental permit.

All owners or their agents shall apply for a residential rental permit within sixty (60) days of the effective date of this ordinance. Any owner or agent who has applied for a permit will be allowed to operate without a permit until the application can be processed, the inspections made pursuant to Sec. 18-39 of this article and the application either approved or disapproved.

Sec. 18-38. Permit period of validity.

A residential rental permit shall be valid for a term of one year and shall be renewable on the anniversary date of the issuance of said permit.

In the event ownership of dwellings or dwelling units subject to this article is transferred, the new owner or his agent shall be required to make application for a residential rental permit in accordance with this article.

Sec. 18-39. Conditions for issuance of permits; inspections of dwellings and dwelling units.

Upon the making of a proper application for a residential rental permit by the owner or agent thereof, the director shall issue or renew the permit if the director determines that the dwelling or dwelling units for which the permit is sought is in compliance with the provisions of Article II of this Chapter.

To make such determination, the director shall inspect the dwelling or dwelling units including common areas and grounds under the same ownership. Dwellings or dwelling units inspected shall be selected on a random basis and in sufficient number to be fairly representative of the property or properties for which the permit is sought.

Inspections shall be conducted as provided in Section 18-19 of this Chapter; provided, however, that in the case of occupied dwellings or dwelling units, consent of the occupant is required.

Sec. 18-40. Failure to pass inspection.

If the director determines after inspection that any dwellings or dwelling units fail to comply with the provisions of Article II of this Chapter, a written list of the violation or violations shall be given to the applicant. The director or his authorized representative shall make himself available for a reinspection within a reasonable period of time.

The decision of the director to disapprove an application for a residential rental permit may be appealed by the applicant in accordance with Sections 18-25 and 18-26 of this Chapter. In the event the director disapproves an application and an appeal is noted in accordance with Sections 18-25 and 18-26 of this Chapter by the applicant such disapproval shall be stayed until such appeal has been completed.

Sec. 18-41. Operation without a permit.

It shall be unlawful for any owner or agent to rent any dwelling or dwelling unit subject to the provisions of this article that is vacant on or becomes vacant after the effective date of this ordinance (except during the grace period allowed in Section 18-37) until the required residential rental permit has been issued by the director and remains in effect.

Sec. 18-42. Suspension of permit.

A permit once issued may be suspended by the director when the director finds that one or more of the requirements of Article II of this Chapter have been violated. A suspended permit shall be reinstated after the violation or violations of Article II has been corrected.

No permit shall be suspended unless the director has served the owner or his agent with a notice specifying the violations and affording the owner or his agent a reasonable period of time to correct the violations.

Upon the failure of the owner or his agent to comply within the time specified in the notice of violation the director may suspend the permit.

In the event the director suspends any such permit the owner or his agent may note an appeal in accordance with Sections 18-25 and 18-26 of this Chapter. Such suspension shall be stayed until any such appeal as set forth in Sections 18-25 and 18-26 has been completed.

Sec. 18-43. Display and availability of permit required.

Every owner or his agent must show to every prospective tenant before occupancy a valid residential rental permit covering the dwelling or dwelling unit to be rented. Every owner or his agent must show to any tenant upon demand a valid residential rental permit covering the dwelling or dwelling unit the tenant occupies.

Sec. 18-44. Penalty for violation of article.

Any person violating any provision of this article shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars or by imprisonment not exceeding six months. In addition, the court may impose a bond to assure compliance with the provisions of this article for the next succeeding year.

Sec. 18-45. Enforcement by injunction.

Failure, refusal or neglect to comply with any of the provisions of this article may, in addition to any other remedy provided herein or in place thereof, be restrained, prohibited or enjoined by an appropriate proceeding instituted in a court of competent jurisdiction by the city attorney.

Sec. 18-46. New construction.

The provisions of this article will not apply to any building for which a certificate of occupancy has been issued by the city's Department of Building and Mechanical Inspections until one year after the issuance of such certificate of occupancy.

Sec. 18-47. Regulations.

The City manager shall establish regulations which shall be approved by resolution of city council governing the implementation of the provisions of this article.

Sec. 18-48. Effective date.

The provisions of this article shall become effective on April 30, 1977.

Section 4. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective on April 30, 1977.

FRANK E. MANN
Mayor

Final Passage: February 12, 1977