

ORDINANCE NO. 3657

AN ORDINANCE to amend and reordain Article G (RESIDENTIAL RENTAL PERMITS) of Chapter 1 (BUILDING CODE), Title 8 (BUILDING CODE REGULATIONS) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article G of Chapter 1, Title 8 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

ARTICLE G

Residential Rental Permits

Sec. 8-1-110 Required; definitions.

(a) Every owner who engages in the business of renting five or more dwelling units located within the city is required to obtain a residential rental permit issued by the code official.

(b) "Dwelling unit" shall mean a building or portion thereof that is used for residential purposes, including a single-family home and residential units in two-family and multifamily buildings, but shall not include hotels, motels, tourist homes or boarding and rooming houses.

(c) "To rent" shall mean to lease, sublease, let or otherwise grant for consideration the right to occupy a dwelling unit.

Sec. 8-1-111 Applications.

(a) Applications for issuance or renewal of a residential rental permit shall be made by the owner of the dwelling units or the owner's agent to the code official on forms to be provided by the code official.

(b) The fee for issuance or renewal of a residential rental permit shall be established by resolution of the city council, and payment of such fee shall be made with the filing of the application.

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

(d) Any owner or agent who has applied for a permit, or the renewal thereof, will be allowed to operate until the application has been processed, the inspections have been made pursuant to section 8-1-113 of this article and a final non-appealable decision on the application has been made.

Sec. 8-1-112 Permit period of validity.

(a) A residential rental permit shall be valid for a term of one year from the date the application therefor was received by the code official or until the ownership of the property is transferred, whichever occurs first. Each permit shall be renewable on the anniversary date of its application. An application for permit renewal must be filed before the current permit expires. Failure to file a renewal application by the permit expiration date will result in a notice being posted on the property stating that the property is in non-compliance with this article.

(b) In the event ownership of dwelling or dwelling units subject to this article is transferred, the new owner or the owner's agent shall make application for a new residential rental permit within 30 calendar days of the date of transfer.

Sec. 8-1-113 Conditions for issuance of permits; inspections of dwelling units.

(a) Upon the making of a proper application for a residential rental permit by the owner or agent thereof, the code official shall issue or renew the permit after determining that the dwelling units for which the permit is sought and the related premises are in compliance with the provisions of this chapter and article B, chapter 2, title 4 of the code and article A, chapter 1, title 8 of this code, and that all required fees have been paid.

(b) To make such determination, the code official shall inspect the dwelling units including common areas and grounds under the same ownership. 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. Vacant units will not be selected for inspection. Failure of an owner or agent thereof to cooperate with the inspection process will result in a notice being posted on the property stating that the property is in non-compliance with this article.

(c) Inspections shall be conducted as provided in section 8-1-96 of this code; provided, however, that in the case of an occupied dwelling unit, consent of the occupant is required and assistance shall be furnished by the owner in obtaining such consent.

Sec. 8-1-114 Failure to pass inspection.

(a) If the code official determines, after inspection, that any dwelling unit or any part of the premises related thereto fails to comply with the provisions of this chapter, a written list of the violation or violations shall be given to the

applicant. The code official shall then determine a date by which the applicant shall remedy the listed violations, at which time a reinspection shall be conducted. If further reinspections are required after the first reinspection, the applicant shall pay a fee of \$50 for each such reinspection visit to each dwelling unit or any part of the premises related thereto to be reinspected.

(b) The decision of the code official to disapprove an application for a residential rental permit may be appealed by the applicant in accordance with sections 8-1-99 and 8-1-100 of this code. In the event the code official disapproves an application and an appeal is noted in accordance with section 8-1-99 and 8-1-100 by the applicant, the disapproval shall be stayed until an appeal has been completed.

Sec. 8-1-115 Operation without permit.

It shall be unlawful for any owner or agent to rent any vacant dwelling unit subject to the provisions of this article, except during the grace period allowed in section 8-1-111(d), unless the unit is subject to a valid residential rental permit.

Sec. 8-1-116 Suspension of permit.

(a) A permit once issued may be suspended by the code official when the official finds that one or more of the requirements of this article have been violated. A suspended permit shall be reinstated after the violation or violations have been corrected.

(b) No permit shall be suspended unless the code official has served the owner or the owner's agent with a notice specifying the violations and affording the owner or the agent a reasonable period of time to correct the violations.

(c) Upon the failure of the owner or the owner's agent to comply within the time specified in the notice of violation, the code official may suspend the permit.

(d) In the event the code official suspends any such permit, the owner or the owner's agent may note an appeal in accordance with section 8-1-99 and 8-1-100 of this chapter. Such suspension shall be stayed until any appeal, as set forth in section 8-1-99 and 8-1-100, has been completed.

Sec. 8-1-117 Display and availability of permit required.

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

Sec. 8-1-118 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 \$1,000 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. 8-1-119 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. 8-1-120 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 bureau of code enforcement until one year after the issuance of such certificate of occupancy.

Sec. 8-1-121 Regulations implementing article.

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

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: September 18, 1993