

DIVISION 4. - RENTAL CERTIFICATE OF COMPLIANCE

Sec. 50-515. - Findings, designation of rental inspection districts.

- (a) The city council finds that certain residential rental dwelling units, when not the subject of an initial inspection or periodic inspections to ensure compliance with applicable building maintenance regulations, may become unsafe, a public nuisance, and unfit for human habitation.
- (b) The city council further finds that within certain residential housing areas within the city, designated as rental inspection districts, there is a need to protect the public health, safety and welfare of the occupants of residential rental dwelling units; that such residential rental dwelling units are either (i) blighted or in the process of deteriorating, or (ii) in need of inspection by the city to prevent deterioration, taking into account the number, age and condition of the residential dwelling rental units; and that the inspection of residential rental dwelling units is necessary to maintain safe, decent and sanitary living conditions for tenants and other residents living in the rental inspection districts.
- (c) There are hereby created rental inspection districts pursuant to Code of Virginia, § 36-105.1:1, as amended. Such districts are as delineated on a map entitled, "Rental Inspection Districts, Bristol, Virginia" dated _____, prepared by and maintained in electronic format by the Geographic Information System (GIS) Coordinator's office, a copy of which is on file and available for public inspection in that office at City Hall, 300 Lee Street, Bristol, Virginia.
- (d) The boundaries of the rental inspection districts are as set forth below.
 - (1) *Southeast Inspection District (Census Tract 203 blocks 1 and 2)*: The location and boundaries of the southeast rental inspection district established by this chapter shall correspond to the boundaries of Census Tract 203 which is bounded on the north by East Valley Drive and King Mill Pike; on the east by the city limit boundary with Washington County, VA; on the south by the Tennessee state line; and on the west by the Norfolk and Southern main line.
 - (2) *Central inspection district (Census Tract 202 blocks 2, 3, and 4)*: The location and boundaries of the central rental inspection district established by this chapter shall be composed of the southern portion of Census Tract 202, bounded by the Euclid Avenue, Lee Highway, and West Valley Drive on the north side; by the Norfolk-Southern main line on the east side; by the Tennessee state line on the south side; and by the former railroad line on the west side.

(Ord. No. 23-5, 3-14-23)

Sec. 50-516. - 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 code means that portion of the building code entitled, "Virginia Maintenance Code," as referred to and adopted by reference in sections 50-562 and 50-563 of this Code, and any amendments to, or subsequent editions of, the Virginia Maintenance Code.

Code official means the person charged with enforcing the building code as that term is defined in this article.

Dwelling unit means a building or structure or part thereof that is used for a home or residence by one or more persons who maintain a household. The term "dwelling unit" includes, but is not limited to condominiums, efficiencies, townhomes, apartments, manufactured or mobile homes, single-family homes, two-family homes, or multifamily homes. The term "dwelling unit" shall not include hospitals, nursing homes, convalescent homes or similar facilities providing medical care to the aged, infirm or disabled, or hotels, motels, inns and other establishments held out for transients, unless such establishments rent primarily to occupants for more than thirty (30) continuous days.

Inspection or inspected means an inspection conducted by the building code official.

Managing agent means any person having the authority, singly or in combination with another, to enter into an agreement for the occupancy of property subject to this article.

Multifamily development means any building or any series of buildings, consisting of more than ten dwelling units, occupied for valuable consideration, on a single lot or adjacent lots under common ownership. The term "multifamily development" shall not include mobile homes under common ownership in a mobile home park or subdivision, and such term shall not include single-family homes, two-family homes, or townhouses under common ownership.

Owner means a person shown on the current real estate assessment books or current real estate assessment records as a person holding title to real property in the city. The word "owner" shall not include any person who merely holds a deed of trust on real property.

Property means dwelling units which are leased or rented, in whole or in part, to tenants.

Rental inspection district means a district established by city council which is subject to this article.

Residential rental dwelling unit means a dwelling unit that is leased or rented to one or more tenants. However, a dwelling unit occupied in part by the owner thereof shall not be construed to be a residential rental dwelling unit, unless a tenant occupies a part of the dwelling unit which has its own cooking and sleeping areas, and a bathroom.

Tenant means any person who is not an owner of the dwelling unit or residential rental dwelling unit which he occupies.

(Ord. No. 23-5, 3-14-23)

Sec. 50-517. - Applicability.

- (a) The provisions of this article shall apply to (i) all residential rental dwelling units which are located in a rental inspection district, or (ii) a residential rental dwelling unit located outside such districts and declared by city council to be subject to this article pursuant to Code of Virginia, § 36-105.1:1, as amended, and only under the following basis: City council makes a separate finding for said individual rental dwelling unit that:
- (1) There is a need to protect the public health, welfare and safety of the occupants of that individual rental dwelling unit;
 - (2) The individual rental dwelling unit is either (a) blighted or (b) in the process of deteriorating; or
 - (3) There is evidence of violations of the building code that affect the safe, decent and sanitary living conditions for occupants of such individual rental dwelling unit. Upon said finding by the city council, said rental dwelling unit shall be subject to this section, notwithstanding its location outside the inspection districts.

Any residential rental dwelling unit located outside such districts but declared by city council to be subject to the provisions of this article shall be identified on a map entitled, "Rental Inspection Districts, Bristol, Virginia" dated _____, prepared by and maintained in electronic format by the Geographic Information System (GIS) Coordinator's office, a copy of which is on file and available for public inspection in that office at City Hall, 300 Lee Street, Bristol, Virginia.

- (b) Subsection (a) of this section notwithstanding, the provisions of this article shall not apply to any residential rental dwelling unit unless and until the city has complied with the notice requirements set forth in Code of Virginia, § 36-105.1:1(C), as amended.

(Ord. No. 23-5, 3-14-23)

Sec. 50-518. - Notification to city by owners of residential rental dwelling units.

- (a) Any owner of a residential rental dwelling unit shall notify the code official by completing an application for residential rental inspection prepared by the building code official.
- (b) The notification requirements of this section shall be met by the owner or owners of any residential rental dwelling unit not more than 90 days after the adoption of this division. The notification requirement of this section for any residential rental dwelling unit created over 60 days after the date of enforcement of this division shall be met within 30 days after the creation of the residential rental dwelling unit or the issuance of a certificate of occupancy under the building code pertaining to the residential rental dwelling unit, whichever is the first to occur.
- (c) The penalty for the willful failure of an owner of a residential rental dwelling unit to comply with the provisions of this section shall be a civil penalty of \$50.00.

(Ord. No. 23-5, 3-14-23)

Sec. 50-519. - Initial inspection of a residential rental dwelling unit.

- (a) Upon complying with the notification requirements set forth in Code of Virginia, § 36-105.1:1, as amended, the code official may proceed to inspect any residential rental dwelling unit to determine if the dwelling unit complies with the provisions of the building code that affect the safe, decent and sanitary living conditions for the tenants of such dwelling unit.
- (b) Subsection (a) of this section notwithstanding, if a multifamily development has more than ten dwelling units, the code official may inspect not less than two and not more than ten percent of such dwelling units in the multifamily development. The selection of the units to be inspected is at the discretion of the code official. If the code official determines upon conducting such inspections that there are violations of the building code which affect the safe, decent and sanitary living conditions for the tenants of such multifamily development, the code official may inspect as many dwelling units as necessary within the multifamily development to enforce the building code.

(Ord. No. 23-5, 3-14-23)

Sec. 50-520. - Exemptions.

- (a) Upon the initial or periodic inspection of a residential rental dwelling unit subject to this article, and provided that there are no violations of the building code that affect the safe, decent and sanitary living conditions for the tenants of such residential rental dwelling unit, the code official shall issue to the owner of such residential rental dwelling unit a rental certificate of compliance from the inspection requirements of this article. The issuance of a rental certificate of compliance shall exempt the owner or managing agent from the requirements of inspections within this article for a period of four years from the date on which the certificate is issued.
- (b) If a residential rental dwelling unit has been issued a certificate of occupancy for compliance with the building code within the last four years, the code official shall issue a rental certificate of compliance for four years from the date of the issuance of the certificate of occupancy by the building official.
- (c) If a residential rental dwelling unit which is exempt from this article pursuant to this section becomes in violation of the building code during the exemption period, the code official may revoke the exemption previously granted under this section. Prior to any such revocation, the code official shall send by first class mail written notice to the owner or managing agent of such residential rental dwelling unit, specifying the nature of the violations found and the date upon

which the revocation of the rental certification of compliance will take effect. Proof of mailing of the last known address of the owner or managing agent of the property, by affidavit or otherwise, shall be sufficient evidence that the notice was received.

- (d) A rental certificate of compliance shall be issued upon the city building official's written determination that a residential rental dwelling unit has been the subject of a building permit for substantial rehabilitation or repair and if such rehabilitation or repair is completed and meets the requirements of the building code; and if the extent of the rehabilitation or repair of the entire building or structure in which the residential rental dwelling unit is located is the equivalent of new construction of such building or structure with respect to the general public health, safety and welfare.
- (e) The exemptions contained in this section notwithstanding, upon the sale of a residential rental dwelling unit, the code official may perform an initial inspection as provided in section 50-519 of the Code of the City of Bristol, as amended, subsequent to such sale. The new owner shall provide updated information to the city for its rental inspection records.
- (f) In no event does the issuance of a rental certificate of compliance serve to exempt the owner, managing agent or tenant from compliance with all applicable statutes, laws, and ordinances, including the building code.

(Ord. No. 23-5, 3-14-23)

Sec. 50-521. - Follow-up inspections.

Upon the initial or periodic inspection of a residential rental dwelling unit subject to this article, the code official may require the owner of the dwelling unit to submit to such follow-up inspections of the dwelling unit as the code official deems necessary, until such time as the dwelling unit is brought into compliance with the provisions of the building code that affect the safe, decent and sanitary living conditions for the tenants.

(Ord. No. 23-5, 3-14-23)

Sec. 50-523. - Periodic inspections.

Except as provided in sections 50-520(e) and 50-521 of the City Code, following the initial inspection of a residential rental dwelling unit subject to this article, the code official may inspect a residential rental dwelling unit subject to this article, which is not otherwise exempt from this article, no more than once each calendar year.

(Ord. No. 23-5, 3-14-23)

Sec. 50-524. - Requirement of certificate of compliance.

It shall be unlawful for any owner, managing agent or person in control of a dwelling unit located in a rental inspection district, or otherwise subject to this division under section 50-517(a)(2), to rent or lease such a dwelling unit when such dwelling unit fails to comply with the requirements contained in this article.

(Ord. No. 23-5, 3-14-23)

Sec. 50-525. - Records of rental certificate of compliance.

- (a) All current rental certificates of compliance shall be kept on file either in hard or digital file in the city building division offices.
- (b) No person shall deface or alter a current rental certificate of compliance in connection therewith, in whole or in part, without the written permission of the building code official.

(Ord. No. 23-5, 3-14-23)

Sec. 50-526. - Fees.

The fees for initial, follow-up and periodic inspections shall be as set forth in the fee schedule as amended from time to time by the city council, and in compliance with Code of Virginia, § 36-105.1:1.

(Ord. No. 23-5, 3-14-23)

Sec. 50-527. - Appeals.

- (a) Any person aggrieved by any determination or decision of the code official made pursuant to this article shall have the right to appeal such determination or decision within 14 calendar days of such determination to the city manager for the city. Notice of such appeal shall be in writing, on forms provided by the building code official, shall specify the grounds of appeal, and shall be delivered to the city manager prior to the expiration of the 14 calendar day period. The city manager, or his designee, shall meet with the person aggrieved by the determination or decision of the code official within five business days of receipt of such notice of appeal to consider the appeal, unless the owner or his managing agent agrees, in writing, to an extension. Any such aggrieved person may request that the city manager invite to the meeting persons deemed helpful in resolving the dispute. The city manager shall render his decision within five business days after such meeting.
- (b) Any person aggrieved by any determination or decision of the city manager made pursuant to this article shall have the right to appeal such determination or decision in accordance with the provisions of the building code.
- (c)

Nothing in this article shall be construed to limit, impair, alter or extend the rights and remedies of persons in their relationship of landlord and tenant as such rights and remedies exist under applicable law.

(d) Nothing in this article shall be construed to relieve or exempt any person from otherwise complying with all applicable laws, ordinances, standards and regulations pertaining to the condition of buildings and other structures.

(e) Nothing in this article shall be construed to limit the authority of the code official to perform housing inspections in accordance with applicable law.

(Ord. No. 23-5, 3-14-23)

Sec. 50-528. - Violation and penalty.

Any person willfully failing to comply with the inspection requirements of this article or the Virginia Uniform Statewide Building Code shall be subject to the criminal penalties established in Code of Virginia, § 36-106 and any amendment or recodification thereof. The city may take such further actions as allowed by applicable law in order to obtain compliance with the requirements of this article including, but not limited to, seeking injunctive relief under Code of Virginia, § 15.2-1432 and obtaining inspection warrants as provided in Code of Virginia, § 36-105C3.

After being notified by this office, owners of rental dwelling units within the rental inspection district are required to:

- (1) Register all rental dwelling units located within the rental inspection district. Failure to register units shall result in a civil penalty of \$50.00.
- (2) Obtain a certificate of compliance inspection. Owners who fail to obtain an inspection shall be subject to a fine of not more than \$2,500.00.
- (3) Effect compliance within the time period specified in a temporary certificate of compliance. Owners who fail to comply with a notice of violation within the specified time period shall be subject to a fine of not more than \$2,500.00.
- (4) Each day the violation(s) continue shall be deemed a separate offense.

(Ord. No. 23-5, 3-14-23)

Sec. 50-529. - Alternative remedies.

In addition to any penalty imposed for a violation of this chapter, any such violation may be corrected, removed or abated through court order or an appropriate suit in equity.

(Ord. No. 23-5, 3-14-23)

Sec. 50-530. - Policy and procedures.

The city manager is authorized to implement policies and procedures not inconsistent with the terms of this article.

(Ord. No. 23-5, 3-14-23)

Secs. 50-531—50-535. - Reserved.