

**AN ORDINANCE AMENDING CHAPTER 7 OF THE CITY OF DUNWOODY CODE
OF ORDINANCES BY ADDING A REQUIREMENT FOR INSPECTIONS OF
MULTIFAMILY RENTAL HOUSING**

WHEREAS, the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody has heretofore adopted an ordinance for Inspections of Multifamily housing, as set forth in Chapter 7 of the Code of the City of Dunwoody (the “Code”); and

WHEREAS, Chapter 7 contains certain requirements for applying Property Maintenance standards to all buildings within Dunwoody; and

WHEREAS, the City Council has determined it is necessary, for the health, safety and welfare of the citizens of the City, to make sure that rental housing in the City is compliant with the Code and meets appropriate standards of habitability; and

WHEREAS, in order to protect the citizens of the City, the City Council finds it necessary to add a requirement for multifamily residential housing to comply with the City’s policy on inspections of individual rental housing units, such policy attached hereto and incorporated herein by reference.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain:

Section 1: Chapter 7 (Building Code) of the City of Dunwoody Code of Ordinances is hereby amended by an addition of a new Section 4 to Article 4 of Chapter 7 to read as follows:

Article 4: Miscellaneous Provisions.

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Section 4: Multifamily Rental Housing

(a) 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:

Certified Building Inspector means a person inspecting for compliance with the various adopted codes who is a licensed design professional (architect or engineer) or holds 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.

Code Compliance Certificate means a certificate, substantially similar to the Inspection Report provided by the City, executed by a certified building inspector and stating compliance with those minimum standards described in the inspection report.

Inspection report means the report attached to the Code Compliance Certificate describing minimum requirements for inspection of each unit.

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

Multifamily Rental Dwelling means any multifamily structure, multifamily building, or other facility promised and/or leased to a residential 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 means 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.

Occupancy means all tenants, lessees and persons residing within a multifamily rental dwelling or multifamily rental unit.

Owner means any person, agent, firm, or corporation having a legal or equitable interest in a premises.

Owner-occupied means 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.

Premises means any lot or piece of land inclusive of the multifamily rental dwelling or multifamily rental unit.

(b) Fee and Certificate Required.

- (1) *Occupation tax.* All owners of multifamily rental dwellings or multifamily rental units within the city that receive income for use of four 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 (i) shall be subject to an occupation tax as provided in this policy and (ii) shall provide to the city, prior to receiving an initial occupational tax certificate under this policy, a Code Compliance Certificate covering 100 percent of the multifamily rental units within the 12-month period immediately preceding the date of the certification. Said code compliance certificate shall be certified by the owner that all units inspected are in compliance with those standards contained in the Code Compliance Certificate and inspection report. For the initial year of construction, this section shall not apply to new construction or rehabilitation of a multifamily rental dwelling provided proper permits are obtained from the city.

- (2) *Inspection.* Upon initial inspection of such dwellings or units, should a certified building inspector determine that further work is necessary to comply with 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 Article. No extension shall be granted if life safety issues are involved and any such units shall not be leased until brought into compliance.
 - (3) *Compliance certificate.* After submission of the initial Code Compliance Certificate, each owner shall submit a Code Compliance Certificate annually, commencing on January 1, 2011, with their business license renewal. Such subsequent Code Compliance Certificate shall cover at least 20 percent of the units, provided all units shall be inspected, at a minimum, every five years. All units inspected shall be listed individually on the Code Compliance Certificate submitted to the City by the certified building inspector. Furthermore, exterior inspections shall cover at least 20 percent of the buildings, provided all buildings shall be inspected, at a minimum, every five years. All units inspected shall be listed individually and submitted to the city by the certified building inspector.
 - (4) *Written record of inspection.* Each owner and certified building inspector shall keep a written record of all inspections for each unit including the date of the inspection, items inspected and all violations, if any, observed. Such records shall be presented to the City within ten (10) business days after such request is made in writing to the inspector. Failure to provide such records shall nullify the Code Compliance Certificate for those units.
- (c) Failure to Provide Code Compliance Certificate.
- (1) Failure to provide the Code Compliance Certificate as provided herein shall be a violation of this section and is subject to those penalties contained within Chapter 1 of the City Code of Ordinances.
 - (2) Failure to provide the Code Compliance Certificate shall further, upon a judicial determination, be a condition constituting probable cause for, and may subject said multifamily rental dwelling or multifamily rental units to, inspection by the city building official at a fee as determined by the City Council that covers all costs of such inspection by the City. Said inspection by the City, if required, shall be at a sole cost of the owner and failure to pay said taxes shall result in a lien being placed on the premises as provided for collection of taxes.
 - (3) Failure to pay the occupational tax as provided herein shall be a violation of the City Code and is subject to those penalties set forth therein. Nothing contained in this section shall prevent the City from enforcing the state minimum standard codes as provided in this Chapter.

(d) Penalty for false certification and false inspection.

- (1) An owner who knowingly participates in furnishing a Code Compliance Certificate to the City which contains a false certification that all multifamily rental dwellings or multifamily rental units inspected are in compliance with those standards contained in the Code Compliance Certificate shall be guilty of a violation of this Code for each multifamily rental dwelling or multifamily rental unit for which the certification is shown to be false and can be fined for each violation as provided by Chapter 1 of this Code, or by the court for each violation.
- (2) A certified building inspector who furnishes an inspection report which knowingly contains fraudulent information that a multifamily rental dwelling or multifamily rental unit meets the minimum housing standards of the City as shown by the inspection report provided by the City from which this Ordinance is derived shall be guilty of a violation of the Dunwoody Code of Ordinances and the inspector's right to submit inspection reports to the City may be suspended for a stated period of time, up to five (5) years, by Resolution of the City Council.

(e) Certified Building Inspector requirements

All inspectors wishing to submit or participate in the apartment 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 or her business license and applicable certification to the City to be placed on an approved inspector list prior to inspecting any apartment complex.
- (3) The inspector must meet with the Chief Building Official or the Code Compliance Official upon approval prior to performing any services to comply with this Ordinance.
- (4) Mandatory meetings will be called by the City which all Inspectors participating in the program must attend. Ample notice will be provided by the city of no less than two (2) weeks.
- (5) The Inspector must provide an inspection report or a certificate, similar to the Inspection Report provided by the City, executed by a certified building inspector and stating compliance with those minimum standards described in the inspection report. The Inspector must sign and date the report upon completion.

Section 2: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2010.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney