

ORDINANCE NO.

AN ORDINANCE TO PROVIDE FOR A RESIDENTIAL RENTAL PROPERTY INSPECTION PROGRAM; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Forest Park is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Forest Park, Georgia desires to adopt a residential rental property inspection program; and,

WHEREAS, the health, safety, and welfare of the citizens of Forest Park, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FOREST PARK HEREBY ORDAINS:

Section 1. That Title 8, Chapter 2 of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by creating new Article S attached hereto as Exhibit A.

Section 2. That Section 8-2-5 of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by deleting said section in its entirety and replacing it with the following in lieu thereof:

“Section 8-2-5. – Reserved.”

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause, or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable

by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. Penalties in effect for violations of the City of Forest Park at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 7. The effective date of this Ordinance shall be the date of its enactment.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this _____ day of _____, 2021.

Mayor Angelyne Butler

Council Member Kimberly James, Ward 1

Council Member Dabouze Antoine, Ward 2

Council Member Hector Gutierrez, Ward 3

Council Member Latresa Wells, Ward 4

Council Member Allan Mears, Ward 5

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

ARTICLE S. RESIDENTIAL RENTAL DWELLING UNIT INSPECTION AND MAINTENANCE PROGRAM

8-2-300	Findings and Purpose.
8-2-301	Definitions.
8-2-302	Residential Rental Dwelling Unit Inspection Program Registration.
8-2-303	Inspections-Single-family Residential Rental Dwelling Unit
8-2-304	Residential Rental Dwelling Unit Inspection Program Fees.
8-2-305	Inspections-Multi-family Rental Units
8-2-306	Certified Building Inspector Requirements
8-2-307	Nuisances
8-2-308	Retaliatory Eviction.
8-2-309	Change of Ownership.
8-2-310	Regulations Nonexclusive.

8-2-300 FINDINGS AND PURPOSE.

The City Council finds and declares that there exist in the city substandard, and/or unsanitary residential rental buildings and dwelling units, the physical conditions, and characteristics of which violate state and local building, housing and sanitation codes and ordinances and render them unfit or unsafe for human occupancy and habitation. These residential rental buildings and units are detrimental to or jeopardize the health, safety, and welfare of their occupants and of the public and serve to seriously compromise the integrity and residential quality of city neighborhoods. It has been observed by city staff performing code enforcement functions that in general the most egregious violations of health and safety codes and negative impacts because of such factors as deferred property maintenance, a proliferation of vehicles attributable to the tenants who rent these properties and the accumulation of excess trash and debris on or about the properties

The City Council further finds and declares that the existence of such substandard residential rental buildings and dwelling units necessitates disproportionate expenditures of public funds for code enforcement and remedial action; impairs the efficient and economical exercise of governmental powers and functions; and disrupts peaceful and quiet enjoyment of residential areas and neighborhoods.

The City Council further finds and declares the desire to maintain and safeguard the stock of decent, safe, and sanitary rental housing units in the city through a partnership of owners, tenants, the city, and the community.

The residential rental inspection program required by this section is intended to address the conditions described in the findings and purpose of this section. The purpose of this section is to proactively identify such substandard and unsafe residential buildings and dwelling units and to ensure the rehabilitation or elimination of those buildings and dwelling units that do not meet minimum building code and housing code standards or are not safe to occupy or do not comply

with zoning codes. It is intended that structures will be required to be maintained in a safe and sanitary condition at the level consistent with the codes of the period in which they were constructed. However, unpermitted additions and alterations must comply with current codes adopted by the City of Forest Park.

It is not the city's intent to intrude upon the fair and accepted contractual relationship between tenant and landlord. The city does not intend to intervene as an advocate of either party, or to be receptive to the complaints of a tenant or landlord not specifically and clearly relevant to the provisions of this division. In the absence of such relevancy regarding tenant disputes, it is intended that the contracting parties exercise such legal rights as are available to them without the intervention of the city.

The provisions of this Article S are in addition to, not in lieu of, other applicable standard codes, but not limited to, International Property Maintenance Code, International Building Code, and International Fire Code, as adopted by the city.

8-2-301 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.

Excessive littering means the discarding any rubbish, trash, garbage, debris abandoned personal items, etc., in the common areas of the Multi-family Rental Property that so degrades the appearance of the property that, in view of a reasonable person, detracts from the natural cleanliness or safety and /or exhibits a foul or noxious odor.

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 all conditions concerning the use and occupancy of single-family rental dwellings or multi-family rental units.

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

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

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 rental units. Example: Two-family dwelling, owner occupies one flat; rooming house, owner occupies one unit. This ordinance exempts buildings with four (4) or fewer units if the owner occupies one of the units.

Premises means any lot or piece of land inclusive of the single-family rental dwelling or multi-family rental unit.

Residential rental dwelling unit” shall mean a building or portion of a building that is rented or leased to tenants for residential purposes on a non-transient basis (when one or more tenants reside on the property or rent or lease the property for thirty consecutive days or longer) and which is owned in whole or in part by a landlord. This shall include but not be limited to single-family residences, duplexes, triplexes, apartment houses, townhouse dwellings, condominiums, boarding houses, lodging houses, group homes, rooming houses, single room occupancy units, small ownership units, hotel, and motel units in the city of Forest Park.

“*Tenant*” means a legal occupant of any rental unit except for an owner -occupied unit.

8-2-302 RESIDENTIAL RENTAL DWELLING UNIT INSPECTION PROGRAM REGISTRATION.

- a. Each owner or operator, on behalf of the owner, shall initially register for the residential rental dwelling unit inspection program on a form provided by the City’s Planning, Building and Zoning Department.
- b. All registrations shall be subject to verification by the director or his designee. All information on said registrations shall be submitted under penalty of perjury. Any person who makes a false statement in the registration or submits false information in connection with a registration shall be guilty of a zoning infraction.

8-2-303 INSPECTIONS-SINGLE-FAMILY RESIDENTIAL RENTAL DWELLING UNITS

Each owner or operator, on behalf of the owner of residential rental dwelling units is required to conduct an annual self-inspection of the interior and exterior of the property on a form provided by the Department of Planning, Building and Zoning. The City will periodically select rental dwelling units to determine if the property achieve minimal standards listed on self-inspection check list.

Compliance inspections by certified building inspectors will be conducted only on residential rental dwelling units which are in violation of any building, housing or sanitation codes or ordinances consistent with this Article S or on residential rental dwelling units requested for inspection by the owner.

New single-family residential rental dwelling units are exempt from interior inspection requirements, provided proper permits have been issued by the City for two years after the date of

the Certificate of Occupancy issued by the City. However, a self-inspection check list must be conducted annually.

8-2-304 RESIDENTIAL RENTAL DWELLING UNIT INSPECTION PROGRAM ANNUAL REGISTRATION AND LICENSES FEES.

a. *General Business License Tax.* All owners of rental dwelling units within the city that receive income from renting units shall be subject to occupation tax required by Title 3, Chapter 3 of the Code of Ordinances, City of Forest Park, Georgia.

b. *Annual Registration Fees.* Annual registration for single-family residential dwelling units the owner or operator, on behalf of the owner, shall conduct an annual self-inspection, including exterior conditions and site conditions, and certify under penalty of perjury that the conditions at the property achieve minimum standards listed on self-inspection check list provided by the Department of Planning, Building and Zoning. Each annual registration for the residential rental dwelling unit inspection program shall include a self-inspection checklist accompanied by a nonrefundable fee in the amount established by resolution of the City Council. The fee shall be used to defray the costs of the administration and enforcement of this section.

The annual residential rental dwelling unit program fee shall be levied for the calendar year and each applicant must pay the full fee for the calendar year upon submission of the application for that year's residential rental dwelling unit registration.

The residential rental dwelling unit program fee required by this section is in addition to and not in lieu of any other tax imposed by the City.

c. *Penalty.*

1. *Failure to Pay Annual Fee.* In addition to any other remedies the city may elect to pursue for failure to pay the annual residential rental dwelling unit program fee when due, the director of finance shall add a penalty of twenty percent of the permit fee on the first day of the month following the due date and ten percent for each month thereafter while the fee remains unpaid; provided, that the amount of the penalty shall not exceed fifty percent of the amount of the fee due.

2. *Failure to Register.* If an owner fails to register for the residential rental dwelling unit inspection program as required by this section the fee due shall be that amount due and payable from the first date when the person engaged in the residential rental business in the city after the effective date of the ordinance codified in this section, together with the penalty prescribed in subsection (c)(1).

8-2-305 INSPECTIONS MULTI-FAMILY RENTAL UNITS

a. *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 building official outlining the time and scope

of work necessary to bring the units into compliance. If such plan is accepted by the building official as reasonable and justified, an extension may be granted for up to one year for completion of repairs and compliance with this section. No extension shall be granted if life safety issues are involved, and any such units shall not be leased until brought into compliance. Failure to comply with the accepted plan shall be a violation of this section and is subject to those penalties contained in Section 1-1-8 Code of Ordinances, City of Forest Park, Georgia.

New multi-family rental units are exempt from interior inspection requirements, provided proper permits have been issued by the City for two years after the date of the Certificate of Occupancy issued by the City.

b. *Compliance certificate.* After submission of the initial code compliance certificate, each owner shall submit a code compliance certificate annually with their business license renewal. Such subsequent code compliance certificate shall cover at least 25 percent of the units in multi-family rental dwellings, provided all units shall be inspected, at a minimum, every four years. All units inspected shall be listed individually on the code compliance certificate submitted to the city by the certified building inspector. Furthermore, exterior, and common area inspections shall cover at least 50 percent of the buildings, provided all buildings shall be inspected, at a minimum, every two years. All units inspected shall be listed individually and submitted to the city by the certified building inspector.

c. *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 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.

d. *Failure to provide code compliance certificate.*

- i. Failure to provide the code compliance certificate as provided herein shall be a violation of this section and is subject to those penalties contained in in Section 1-1-8 Code of Ordinances, City of Forest Park, Georgia.
- ii. Failure to provide the code compliance certificate shall further, upon a judicial determination, be a condition constituting probable cause for, and may subject said multi-family rental dwelling or multi-family rental units to, inspection by the city building official at a fee of \$200.00 per dwelling or sleeping unit. Said inspection by the city, if required, shall be at a sole cost of the owner and failure to pay said cost shall result in a lien being placed on the premises as provided for collection of taxes.
- iii. Failure to pay business license 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 any other applicable law or regulation.

e. *Interior evaluations of multi-family rental units.* Interior evaluations will be conducted to ensure compliance with the Forest Park International Property Maintenance Code, NFPA 101 (Life Safety

Code, existing provisions), the International Fire Code and other referenced standards contained therein as listed in the checklists as published by the Building Safety Division, Georgia Department of Community Affairs.

f. *Exterior and publicly accessible evaluations of multi-family rental units and multi-family properties.* Exterior evaluations will be conducted to ensure compliance with the Forest Property Maintenance Code, NFPA 101 (Life Safety Code, existing provisions), the International Fire Code and other referenced standards contained therein as listed in the checklists as published by the Building Safety Division, Georgia Department of Community Affairs.

- i. Excessive littering on the Multi-family Rental Property shall be a violation, and a warning to the Owner and /or Manager shall be given to clean-up same. If the Excessive Littering has not been cleaned up within three (3) days of the date for the official warning. A Code Enforcement Officer shall cite the Owner and/or Manager with a violation. Each day thereafter shall be cause for an additional citation for violation until such time as “Excessive Littering” is cleaned up.

g. *Penalty for false certification and false inspection.*

- i. An owner who knowingly participates in furnishing a code compliance certificate to the city which contains a false certification that all multi-family rental dwellings or multi-family 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 multi-family rental dwelling or multi-family rental unit for which the certification is shown to be false and can be fined as provided by this Code for each violation.
- ii. A certified building inspector who furnishes an inspection report which knowingly contains fraudulent information that a multi-family rental dwelling or multi-family rental unit meets the minimum housing standards of the city as shown by the inspection report provided by the building safety division shall be guilty of a violation of the City of Forest Park Code of Ordinances for each multi-family rental dwelling or multi-family rental unit for which the code compliance certificate is shown to be false and can be fined by the court for each violation. In addition, the certified building inspector's right to submit inspection reports to the city shall be suspended for a stated period, up to five years.

h. *Refusal to permit inspection.*

- i. If an inspection is scheduled and entry is thereafter refused or cannot be obtained, the inspector shall have recourse to every remedy provided by law to secure lawful entry and inspect the premises.
- ii. Notwithstanding the foregoing, if the inspector has reasonable cause to believe that the residential rental dwelling unit is so hazardous, unsafe, or dangerous as to require immediate inspection to safeguard the public health or safety, the inspector shall have the right to immediately enter and inspect the premises and may use any reasonable means required to affect the entry and make an inspection.

8-2-306 CERTIFIED BUILDING INSPECTOR REQUIREMENTS.

All inspectors wishing to submit or participate in the Residential Rental Dwelling Unit Inspection and Maintenance Program 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 rental unit.
- (3) The inspector must meet with the building official or the code compliance official upon approval prior to performing any services to comply with this section.
- (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 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.

8-2-307 NUISANCES.

Nothing in this article shall be construed to impair, limit, or preempt in any way the power of the city to enforce any applicable codes, as defined in state law, or to define or declare nuisances and to compel or cause their removal or abatement by summary proceedings or otherwise under the provisions of Title 11, Chapter 2 of the Code of Ordinances, City of Forest Park, Georgia.

8-2-308 RETALIATORY EVICTION.

It shall be unlawful for a landlord to recover possession of a residential rental dwelling unit in retaliation against a tenant for exercising his or her right to file a complaint with the city advising that a building, housing or sanitation code or ordinance violation or permit violation may exist on the property.

8-2-309 CHANGE OF OWNERSHIP.

When ownership of a residential rental dwelling unit changes, either the prior owner shall notify the director of this event prior to the consummation of the sale or recordation of an instrument of conveyance with the Clayton County recorder's office or the new owner within sixty days after consummation of the sale or recordation of an instrument of conveyance with the Clayton County recorder's office. If the director is not so notified, the existing rental housing inspection certification for the residential rental dwelling unit shall automatically terminate and be null and void. The new owner will not have to pay the program fees until the following calendar year, provided all fees were paid by for the residential rental dwelling unit.

8-2-310 REGULATIONS NONEXCLUSIVE.

The provisions of this section regulating residential rental dwelling units are not intended to be exclusive and compliance with this section shall not excuse noncompliance with any other applicable provision, requirement, or regulation of this code or any applicable state and federal law. Nothing in this section shall limit or preclude inspection conducted by the fire department inspectors for compliance with fire codes.

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