

ARTICLE XIII. SINGLE FAMILY/ MULTIFAMILY RENTAL DWELLINGS

Sec. 15-13-1. Definitions.

For the purpose of this article, certain terms and words are defined. Where words have not been defined, but are defined in chapter 1, those words shall have the meaning defined therein. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them as directed below, except where the context clearly indicates a different meaning:

Certified building inspector ~~means a person who has been authorized to perform inspections pursuant to the process established by this article, provided that such person maintains the qualifications for certification as established by this article~~ means a person who at a minimum is a certified/licensed as a building inspector that holds one (1) of the following certifications from SBCCI (ICC): Property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner or commercial combination inspector and is listed on a list of authorized certified building inspectors maintained and published by the city manager or his/her designee.

Compliance certificate means a certificate, in a form authorized by the City Manager or his/her designee, executed by a certified building inspector showing compliance with those minimum requirements described in the inspection report attached thereto.

Inspection report means the report attached to the code compliance certificate describing minimum requirements for inspection of each dwelling/unit.

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

Single Family/ Multifamily rental dwelling means any dwelling unit designed for and containing more than one lodging or dwelling unit, as defined in chapter 27, article 9, of the City of Stonecrest Code of Ordinances, that is leased to a residential tenant or tenants for use as a home, residence, or sleeping unit. The term "multifamily rental dwelling," includes, but is not limited to, multifamily dwelling units, multifamily apartments, duplexes, triplexes, 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 leased or available for lease to an occupant.

Single Family dwelling means boarding houses, rooming houses, group homes, personal care homes, and flats.

Occupant means any person who is a tenant, lessee, or a person 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 the premises.

Owner-occupied. Any part of a structure used as living quarters by the owner of said structure where other parts of the structure are used as multi-family rental units. Example: two-family dwelling, owner occupies one (1) flat; rooming house, owner occupies one (1) unit.

Premises means any lot or parcel of real property on which exists one or more single- family/multifamily rental dwellings or multifamily rental units.

(Ord. No. 2018-06-01, § 3(15.13.1), 6-18-2018)

Sec. 15-13-2. Certification process, requirements, forms and appeals.

- (a) *Process.* The City Manager or his/~~her~~ designee shall create the process for certifying building inspectors, shall establish the requirements and application for becoming a certified building inspector, and shall administer the process. A nonrefundable administrative fee set by the city council shall be required to be submitted with all applications to be a certified building inspector. Persons who have successfully completed the certification process issued by the City Manager or his/~~her~~ designee shall be designated as certified building inspectors authorized to perform the inspections required by this article.
- (b) *Compliance certificates and inspection reports.* The City Manager or his/~~her~~ designee is authorized to create the forms for compliance certificates and inspection reports. At a minimum, inspection reports submitted to the city must contain the certified building inspector's signature and date of certification. A certified building inspector shall personally perform the inspections required by this article. The certified building inspector signing the inspection report and performing the inspection shall not be an employee of, otherwise related to, or affiliated in any way with any owner or occupant of the ~~single-family~~/multifamily rental dwelling or multifamily rental dwelling unit being inspected. Failure to have a certified building inspector personally perform an inspection shall nullify any such compliance certificate.
- (c) *Certified building inspectors.*
 - (1) *Minimum requirements.* At a minimum, a certified building inspector shall be a licensed ~~/certified architect or engineer-building inspector and~~ shall hold one of the following certifications from the International Code Council: property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building inspector, building inspector, building inspector, building plan examiner or commercial combination inspector.
 - (2) *Denial of certification.* Upon receipt of a complete application to be a certified building inspector, the City Manager or his/~~her~~ designee shall have 45 days to grant or deny the application. If denied, the City Manager or his/~~her~~ designee shall notify the applicant in writing of the reasons for the denial at the address set forth on the application.
 - (3) *Revocation of certification.* Upon a certified building inspector's conviction of a violation of section 15-13-4(c) of this article, or if a certified building inspector no longer meets the minimum requirements set forth in this article, the City Manager or his/~~her~~ designee shall revoke the authority of that individual to act as a certified building inspector. The City Manager or his/~~her~~ designee shall notify the individual in writing of the reasons for the revocation at the address set forth on the application to be a certified building inspector.
 - (4) *Appeals.* Any applicant or certified building inspector believes the provisions of this article have been applied in error may file an appeal therefrom in accordance with article XVI of this chapter.

(Ord. No. 2018-06-01, § 3(15.13.2), 6-18-2018)

Sec. 15-13-3. Inspection, certificate and fee required.

Commencing on ~~January 1, 2019~~, it shall be unlawful for any owner or agent of an owner to engage in the leasing of a ~~single-family~~/multifamily rental unit without first possessing a compliance certificate.

- (a) *Compliance certificate.* A compliance certificate shall contain the certification of a certified building inspector that all ~~single-family~~/multifamily rental dwellings and/or multifamily rental units subject to this article have been inspected within the 12-month period immediately preceding the date of certification and are in compliance with applicable provisions of the Code and the requirements set forth in the code compliance certificate and inspection report.

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- (1) Commencing on ~~January 1, 2019,~~ all owners of ~~single-family\~~ multifamily rental dwellings and/or multifamily rental units within the incorporated parts of the city that receive income from ~~four~~ **one (1)** or more such units and meet the requirements of O.C.G.A. § 48-13-5 for having a location or office within the incorporated parts of the city shall file, simultaneously with their **business license renewal** and business occupation tax return, code compliance certificates covering ~~50~~ **100** percent of the owner's ~~single-family\~~ multifamily rental units located within the incorporated parts of the city.
- (2) Each owner shall submit a code compliance certificate annually with their business license renewal. Such certificate shall cover at least **100 percent for a single family dwelling** and fifty (50) percent of the units ~~at the development for multifamily~~. Every unit shall be inspected, at a minimum, every ~~twenty-four (24)~~ **12** months and shall appear on a code compliance certificate at least every other year. All ~~dwellings\~~ units inspected shall be listed individually on the code compliance certificate submitted to the city by the certified building inspector.
- (3) **Newly constructed units shall be exempt from the code compliance certificate requirement of subsection (a) for twelve (12) months from the date that such units receive a new construction certificate of occupancy from the city. Instead, separately from any certificate that may be required under subsection (a), the owner of newly constructed units (as defined in this subsection) shall submit a code compliance certificate annually for fifty (50) percent of all newly constructed units. No newly constructed unit shall appear on a code compliance certificate required by this section in consecutive years. Upon the date that is twelve (12) months after an initial certificate of occupancy is issued, a unit shall be deemed to no longer be "newly constructed" and shall be subject to subsection (a) from that date forward.**
- (4) After submission of the initial code compliance certificates, owners shall submit code compliance certificates annually with their business occupational tax return. Each subsequent code compliance certificate shall show an internal and external inspection of at least ~~20~~ **fifty 50** percent of the units on a premises and all units on the premises shall be inspected, at a minimum, **annually**. All units inspected shall be listed individually on the code compliance certificate submitted by the certified building inspector.
- (b) *Fee.* A nonrefundable administrative fee set by the city council shall be required to be submitted with all code compliance certificates.
- (c) *Inspections and repairs.* Upon initial inspection of ~~single-family\~~ multifamily rental dwellings and multifamily rental units subject to this article, should a certified building inspector determine that further work is necessary to comply with the minimum standards set forth in the Code, an acceptable plan shall be submitted to the **chief** building official **or his/her designee**, outlining the time and scope necessary to bring the units into compliance. If the plan is accepted by the **chief** building official as reasonable and justified, an extension of the time for compliance with this article may be granted for up to six months so that necessary repairs may be completed. No extension shall be granted if life or safety issues are involved, and none of the units where life or safety issues are involved shall be leased until brought into compliance with the minimum standards set forth in the Code. For years subsequent to the initial year, the six month extension for repairs is not available.
- (d) *Written record of inspection.* Each owner and certified building inspector shall for a period of five years from the date of inspection keep a written record of inspection for each ~~single family\~~ multifamily rental dwelling and/or multifamily rental unit, including the date of the inspection, items inspected, and all violations, if any, observed. These records shall be presented to the **chief** building official within ten business days after a request is made in writing to the owner or inspector. Failure to provide these records shall nullify the compliance certificate for such dwellings or units.

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- (e) *Exemptions.* Provided all other required permits, certificates and/or permissions are obtained from the city, this section shall not apply to multifamily rental dwellings or multifamily rental units for a period of ~~five years~~ one (1) year following issuance of a certificate of occupancy for such dwelling or unit.

Exhibit "A"
SINGLE/MULTI FAMILY INSPECTION COMPLIANCE CERTIFICATE

Stonecrest Building Division

Attn: Chief Building Official

City of Stonecrest | City Hall

3120 Stonecrest Blvd.

Stonecrest, Georgia 30038

Re: [Name and address of Community]

Date: _____ Total Number of Units Inspected: _____

_____/_____/_____ Units Inspected (Listed individually)

The undersigned is a Certified Building Inspector pursuant to City of Stonecrest Ordinance Section 15-13-2 (c) and provides this certification pursuant to such Ordinance.

Those dwellings/apartment units listed on the inspection reports attached hereto have been inspected and found to be in compliance with applicable building codes of the City of Stonecrest currently in effect.

For purposes of this certification, compliance with applicable building codes shall be deemed to mean that those units inspected meet those certain minimum standards for basic equipment and facilities for dwellings as set forth on the inspection reports attached hereto.

In the event that the undersigned is an employee of the owner or property manager of the community, the undersigned is acting only in such capacity and shall incur no personal liability in connection with such inspections.

Nothing herein imposes any liability on the City of Stonecrest or prevents the City of Stonecrest from enforcing Georgia Minimum Standard Codes as provided by Georgia law and the Stonecrest Code of Ordinances.

Certified and sworn this _____ day of _____, 200_____

[Signature of Inspector]

Name:

Registration Number:

Certification Held:

SINGLE/MULTI FAMILY INSPECTION COMPLIANCE INSPECTION REPORT

Name/Address of Community:

Dwelling No/Address.: _____ **Date of Inspection:** _____

	<u>Minimum Standards for Basic Equipment & Facilities for Dwellings</u>	<u>PASS</u>	<u>FAIL</u>	<u>Action Required for Compliance</u>
<u>1.</u>	<u>Flooring is impervious in kitchen and bath areas</u>			
<u>2.</u>	<u>Privacy for bathrooms</u>			
<u>3.</u>	<u>Hot and cold water supply</u>			
<u>4.</u>	<u>Heating facilities in good working order, no unvented heating appliances in sleeping rooms</u>			
<u>5.</u>	<u>Garbage disposal facilities (trash cans or sink grinder for food stuff disposal)</u>			
<u>6.</u>	<u>Smoke detector devices as required by law</u>			
<u>7.</u>	<u>Windows, 8% glazing of floor space for light and ventilation, 45% shall be operable with screens if no air conditioning. Windows shall be in good repair and rodent proof, no open cracks or holes</u>			
<u>8.</u>	<u>Plumbing facilities including kitchen sink, lavatory, tub or shower, and water closet, are clean and sanitary and are in good working order</u>			
<u>9.</u>	<u>Electrical in good working order with proper covers, no exposed wiring, existing light fixtures in good working order</u>			
<u>10.</u>	<u>Both interior and exterior doors, jams and hardware in good working order</u>			
<u>11</u>	<u>Stairs in good working order with protective railings (interior and exterior)</u>			
<u>12.</u>	<u>Interior floors, walls and ceiling kept in good repair</u>			
<u>13.</u>	<u>Proper number of residents per bedroom as required by law</u>			
<u>14.</u>	<u>Extermination as needed</u>			
<u>15.</u>	<u>Exit requirements, unobstructed means of egress leading to safe and open space</u>			
<u>16.</u>	<u>Care of premises requires property to be generally maintained with no excessive trash, rubbish or similar items</u>			
<u>17.</u>	<u>Address numbers posted and in plain view</u>			
<u>18.</u>	<u>OTHER/ NOTES</u>			

(Ord. No. 2018-06-01, § 3(15.13.3), 6-18-2018)

Sec. 15-13-4. Violations.

- (a) No business (license) occupation tax certificate shall be issued to any owner until the owner provides the city with a code compliance certificate(s) annually in the form and manner required by this article.
- ~~(b) Any person who does anything prohibited or fails to do anything required by this article, shall, upon conviction, be punished as provided by this Code.~~
- (b) Failure to provide the code compliance certificate as provided herein shall be a violation of this article and is subject to those penalties contained herein. Further, said failure, upon a judicial determination, shall be a condition constituting probable cause, and may subject said single-family \multi-family rental dwelling or multi-family rental unit(s) to inspection by the city building official and fines imposed by the municipal court, not less than two hundred dollars (\$200.00) per dwelling/unit and no more than one thousand dollars (\$1,000.00).
- (c) Said inspection by the city, if required, shall be at the 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. Failure to pay the occupational tax as provided herein shall be a violation of this ordinance and is subject to those penalties set forth in this article. Nothing contained in this section shall prevent the city from enforcement of the state minimum standard codes as provided in of this Code of Ordinances of the City of Stonecrest.
- (d) An owner who knowingly furnishes or participates in furnishing a code compliance certificate to the city falsely certifying that a single-family dwelling or all multifamily rental dwellings or multifamily rental units inspected are in compliance with the requirements set forth in the code compliance certificate shall be guilty of a violation of this article for each single family\multifamily rental dwelling or multifamily rental unit for which the certification is shown to be false.
- (e) A certified building inspector who knowingly furnishes or participates in furnishing an inspection report containing false information that a multifamily rental dwelling or multifamily rental unit meets the minimum housing standards of the city as shown by the inspection report shall be guilty of a violation of this article.

(Ord. No. 2018-06-01, § 3(15.13.4), 6-18-2018)

Secs. 15-13-5—15-13.51. Reserved.