

Ordinance 495

Rental Housing Ordinance Amendment

PURPOSE

There are more than 400 rental housing units within the City of Forest. Rental housing provides needed, affordable housing for many and is an asset that must be preserved and maintained. The City of Forest has a significant interest in ensuring that rental housing remains a safe and desirable housing option for its citizens.

There exists in the City of Forest substandard and unsanitary residential buildings and rental housing units whose conditions may violate state and local building, housing, and safety codes and ordinances. Property owners may be unaware of some hazardous conditions or may choose not to make the necessary repairs due to costs. Substandard and deficient rental housing units are unfit or unsafe for human occupancy and their conditions jeopardize the health, safety, and welfare of their occupants and of the public. Substandard housing conditions pose a particularly acute risk to young children (from lead poisoning or asthma attacks from mold and other air-borne irritants), seniors (from falls), and people with chronic illnesses.

Deteriorating and substandard buildings and dwelling units also threaten the physical, social, and economic stability of neighboring structures and surrounding neighborhoods and the community. By ensuring that landlords are aware of poor conditions before they worsen, proactive inspections encourage preventative maintenance, which is more cost effective than deferred maintenance, and thereby helps landlords to maintain their properties. Proactive rental inspection programs can ensure that properties don't become blighted, thereby preserving neighboring property values and the local tax base.

Public interest demands that all rental housing properties comply with the minimum standards regarding the health and safety of the public. The most effective way to seek universal

compliance with the minimum standards is through routine, periodic inspections of all rental housing properties. Accordingly, it is the intent of the City of Forest to enact the provisions of this amendment to establish a rental housing inspection program to secure compliance of rental housing properties with minimum standards. City wide compliance will reduce blight and help to ensure that all persons who live in rental housing units are provided decent, safe, and sanitary housing.

APPLICABILITY

The provisions of this code shall apply to all existing non-owner occupied residential and nonresidential structures, or non-owner-occupied parts thereof, and all existing non-owner-occupied premises or parts thereof. This Code shall constitute minimum requirements and standards for said premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, the owner's authorized agent, operators and occupants; the occupancy of said existing structures and premises, and for administration, enforcement and penalties.

DEFINITIONS

"Adult" means a person eighteen years of age or older or a person declared to be emancipated by a court of competent jurisdiction.

"Annually" means once a year, every year.

“At will inspection” means an inspection that is conducted by the Director of Community Development, or his or her designee, within normal business hours without prior notice.

“Certificate of Compliance” means a certificate issued by the Director of Community Development or its designee(s) which certifies compliance with the provisions of this Code.

“Change in tenant” means when any and all current tenants discontinue tenancy at the dwelling and are replaced by a new tenant or new tenants.

“Code Enforcement Officer” means a sworn or non-sworn inspector, officer, or investigator, who possesses specialized training in and whose primary duties are the prevention, detection, investigation, and enforcement of violations of laws regulating public nuisance, public health, safety, and welfare, public works, business activities and consumer protection, building standards, land-use, or municipal affairs.

“Common areas” means the areas in a rental housing building that are accessible to all occupants of the property, including, but not limited to, lobbies, laundry rooms, recreation areas, common kitchens, hallways, stairs, courtyards, light wells, garbage areas, boiler rooms, storage rooms, basements, roof areas, or parking garages or areas.

“Director” means the Director of Community Development or his or her designee.

“Dwelling” means a single-family residential dwelling unit used for residential purposes, including but not limited to, houses, duplexes, and apartment houses.

“Engage in the business of rental housing” means renting or offering to rent a rental housing unit.

“Owner” means a person, persons, corporation, partnership, limited liability company, or any other entity holding fee title to the subject real property.

“Rental Dwelling” means any structure, building or other facility designed, used and/or intended to be used as a home, residence or sleeping unit, except owner-occupied single-family residential structures. This definition includes, but is not limited to, one and two-family dwellings, apartment units, boarding houses, rooming houses, hotels, and motels (except owner-occupied single-family residences).

“Rental Unit” means a single unit providing living facilities for one or more persons that has permanent provisions for living, sleeping, and sanitation and is rented or available for rent to tenants.

Where terms are not defined in this Code and are defined in the National Electrical Code (2020), International Building Code (2021), International Plumbing Code (2021), and the International Mechanical Code (2021), such terms shall have the meanings ascribed to them as in those codes.

Inspections

Smoke detectors required per code, and one located in each bedroom, and room(s) adjacent to the bedrooms.

Carbon monoxide detectors are required in every room that has a natural gas or propane appliance.

Stovetop is required.

Stovetop Firestops are required to be installed over every stovetop.

Stovetop vents are required.

Every kitchen sink, bathtub, and shower shall be connected with both hot and cold water.

Every dwelling unit shall have adequate rubbish storage facilities whose type and location are approved by the code official.

Every building containing dwelling units shall have two (2) remote means of egress.

Every dwelling shall have heating facilities which are properly installed and contain an individual control for each unit. Heating shall be maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit.

Each unit shall have its own power meter. All wiring, outlets, lighting fixtures, etc. shall comply with codes adopted by the City of Forest. Cords to appliances and devices shall not be run through doorways, under rugs, or stapled to wood baseboards, door casings, or through holes in partitions or floors.

Any unit equipped with natural gas or propane for the use of heating, cooking, etc. shall be individually metered and installed to meet all applicable codes.

Every public hall and stairway in every dwelling containing two or more dwelling units shall be adequately lighted per building codes. Each shall also contain a smoke detector and carbon monoxide detector.

Note: The City of Forest will conduct these inspections to ensure that ALL rental properties adhere to all the ordinances set forth by the City of Forest. The City of Forest has adopted the National Electrical Code (2020), International Building Code (2021), International Plumbing Code (2021), and the International Mechanical Code (2021); all inspections will be conducted in such a way to uphold and adhere to these codes.

REGISTRATION AND GENERAL INSPECTION OF RENTAL DWELLINGS AND UNITS.

The owner of any rental dwelling or rental unit shall register each rental dwelling and all rental units contained within the rental dwelling with the City of Forest Department of Community Development before September 1st of each year. Failure to do so will result in a \$50.00 fine per unit, per infraction. The Owner shall have (15) working days to remedy the infraction.

Once the rental unit is registered, the owner has 30 days to pay for and schedule a general inspection.

The Owner shall provide access to such premises for making the inspections necessary to ensure compliance with the terms of this ordinance and Code.

An adult must be present for the inspection.

All rental units must be inspected annually and when there is a change of ownership or tenant.

A certificate of compliance shall not be issued if the registration provisions of this ordinance are not complied with. Inspection fee is \$50.00 per rental unit.

Registration shall be made prior to the use or occupancy of any rental dwelling or rental unit. In the case of rental dwellings and rental units which exist on the effective date of this ordinance and Code, registration shall be made within ninety days of such effective date.

Any new owner shall immediately register in accordance with this amendment and shall apply to have the certificate of compliance for each rental unit.

No person shall lease, rent or cause to be occupied a rental dwelling or rental unit, unless there is a valid certificate of compliance issued by the Director of Community Development in the name of the owner and issued for the specific rental dwelling and rental unit.

The certificate shall be issued after an inspection by the Director of Community Development or its designee(s) to determine that each rental dwelling and rental unit complies with the provisions of this ordinance and Code.

Such inspections shall be commenced after the effective date of this ordinance and Code and shall continue until all rental dwellings and all rental units in the City of Forest have been inspected.

The inspection process will then be continued for all such units, with each unit being inspected every year.

Once issued, a certificate of compliance will be valid for a one-year period (provided that the rental dwelling and rental units remain in compliance with all applicable codes and ordinances) but will terminate on the date of the next subsequent inspection.

The owner will be given (15) days from the date of each such inspection to make necessary repairs and obtain a certificate of compliance for the affected rental dwelling or rental unit. No rental shall be occupied without a certificate of compliance.

The Director of Community Development or its designee(s) may revoke a certificate of compliance for a violation of any code, ordinance, rule, or regulation.

A \$50.00 fee will be applied if a rental unit fails a second inspection before a 3rd inspection can be completed.

A \$50.00 fee will be applied if a rental unit is a “no show”. An inspection is considered a “no show” if any of the following apply:

1. An adult is not present.
2. The inspector cannot be given access to the property in its entirety.
3. There is nobody at the property.

Any property owner who owes a fee for failed inspections or a “no show” will have 15 days from the scheduled inspection date to pay the associated fees and bring the unit into compliance.

An inspection shall be completed in addition to the annual inspection whenever there is a change in tenant, this inspection fee will be \$25.00.

REMODELING, RENOVATION AND CONVERSION OF RENTAL DWELLINGS AND UNITS.

Whenever an occupied rental dwelling or rental unit is remodeled, renovated, or otherwise converted in any way that could affect its compliance with this ordinance and Code, the property owner must acquire a permit from the Director of Community Development and provide a site plan for said proposed renovations. The property owner is subject to an “at will inspection” from the Department of Community Development until project is completed. In the case of an unoccupied rental dwelling or rental unit that is remodeled, renovated, or otherwise converted in any way that could affect its compliance with this ordinance and Code, any and all prior certificates of compliance will be revoked immediately upon the commencement of said work. A new certificate of compliance must then be issued after an inspection by the Director of Community Development or its designee(s) to determine that each rental dwelling and rental unit complies with the provisions of this ordinance.

APPLICATION TO EXISTING, NEW AND CONVERTED RENTAL DWELLINGS AND UNITS.

This ordinance and Code will apply to all rental dwellings and rental units within the City of Forest existing on the effective date of this ordinance and to those subsequently constructed or converted. All Landlords must obtain a Certificate of Compliance prior to the rental of any unit.

Failure to comply with these regulations constitutes as a misdemeanor and can result in a penalty of up to one thousand dollars (\$1,000.00) or up to six (6) months in jail, per [MS Code § 21-13-19 \(2013\)](#).