



City of Hampton, Virginia
Ordinance - Coded

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 13-0364

Enactment Number: 13-0020

Ordinance to Amend and Reenact Chapter 9 of the Code of the City of Hampton Entitled "Building and Development Regulations", by Adding Thereto a New Article VIII, Entitled "Identification and Inspection of Rental Dwelling Units"

ARTICLE VIII. – IDENTIFICATION AND INSPECTION OF RENTAL DWELLING UNITS

DIVISION 1. GENERALLY

Sec. 9-230. Purpose and Intent.

This article is hereby adopted to implement a program for identification and inspection of rental dwelling units in compliance with Code of Virginia (1950), as amended, §36-105.1:1.

Sec. 9-231. 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:

"Certificate of Compliance" means the document issued by the Director that allows occupancy of a residential rental dwelling unit. The term of this Certificate shall be twelve (12) months and contain the issue date and the expiration date.

"Conditions which immediately affect safe, decent and sanitary living conditions of persons occupying a residential rental dwelling unit" include items that violate fire safety; lack of or poor condition of sanitary facilities; absence of adequate heating systems or equipment; items which affect the safe operation of electrical and mechanical systems; items which affect structural integrity of the building and/or the ability of the building envelope to keep out weather, or one or more other conditions that if not corrected would be reasonably expected to become conditions that affect the safe, decent and sanitary living conditions of the occupants.

"Department" means the Community Development Department

"Director" means the Director of the Community Development Department or his designee(s).

“Disqualifying Violation” includes those conditions which affect safe, decent and sanitary living conditions of persons occupying a residential rental dwelling unit, or other conditions that violate the provisions of the Virginia Uniform Statewide Building Code, or multiple building code violations that indicate in their totality that the dwelling unit is not being properly maintained. Conditions which alone, constitute disqualifying violations are set forth below:

Building Exterior:

- 1.1 Foundation with severe structural defects indicating the potential for collapse or foundations that allow significant entry of ground water.
- 1.2 Stairs, porches, balconies or decks with severe structural defects or broken, rotting or missing steps or absence of railings around a porch or balcony that is 30 inches or more above ground.
- 1.3 Roof has serious defects such as serious buckling, sagging indicating the potential of structural collapse. There are large holes or other defects that would result in significant air or water infiltration.
- 1.4 Exterior surfaces have serious buckling, sagging indicating the potential of structural collapse. There are large holes or other defects that would result in significant air or water infiltration.
- 1.5 Chimney is leaning or showing evidence of serious disintegration (i.e. many missing bricks).
- 1.6 Mobile home is not securely anchored by a tie-down device which distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

Building Interior:

- 2.1 There are not at least 2 working outlets or one working outlet and 1 working light fixture.
- 2.2 Electrical hazards such as broken wiring, frayed wiring, wires lying in or located near standing water, light fixtures hanging from electric wiring, without other firm support, exposed fuse box connections are present.
- 2.3 Window no longer has the capacity to keep out the wind and the rain or is a cutting hazard. Examples are missing or broken panes, dangerously loose or cracked panes, windows that will not close.
- 2.4 Presence of such serious defects in the ceiling that either a potential exists for structural collapse or that large cracks or holes allow significant drafts to enter the unit. Severe bulging or buckling, large holes.
- 2.5 Serious defects in the walls such that the structural safety of the building is threatened such as severe buckling, bulging or leaning; damaged or loose structural members; large holes.

- 2.6 Presence of such serious defects in the floor system that a potential exists for structural collapse or other threats to safety or that large cracks or holes allow substantial drafts from below the floor. Severe buckling or damaged or missing members.
- 2.7 There is not at least 1 working smoke detector in the vicinity of each sleeping room (unless the situation can be remedied and re-inspected the same day).

Plumbing:

- 3.1 The water supply system, sanitary drainage system and its associated piping have serious leaks.
- 3.1 The unit is not served by an approved public or private water supply system.
- 3.3 The unit is not connected to an approved public or private sewage disposal system. The following constitutes evidence of severe backup; strong sewage gas smell, numerous clogged drains.
- 3.4 A permanently attached sink is not present or it does not have running hot and cold water and a properly connected and properly working drain.
- 3.5 The toilet is not connected to a sewer, the connections are faulty to the extent that severe leakage occurs.
- 3.6 Neither a tub nor a shower is present.
- 3.7 The water heater does not have a temperature-pressure relief valve and discharge line, and is not vented into a properly installed flue (electric does not require venting).
- 3.8 There is a broken bathroom fixture with a sharp edge.

Heating and Cooling:

- 4.1 The heating equipment is not capable of providing adequate heat to all the rooms.
- 4.2 There is breakage or damage to the system such that there is a potential for fire and other threats to safety including improper connection of flue, improper installation of equipment (absence of safety devices), evidence of heavy soot build-up in the chimney.
- 4.3 The ventilation system is not working or the windows do not open.
- 4.4 There are large cracks in the fire-brick, missing mortar, absence of hearth extensions in the fireplace.

Health & Fire Safety:

- 5.1 The unit cannot be entered without having to go through another unit.
- 5.2 The unit does not have a means of exit that is not blocked (not usable due to debris, storage, nailed shut).
- 5.3 There is an excessive accumulation of trash, garbage or other debris.
- 5.4 There is the presence of severe infestation of mice or vermin (roaches).
- 5.5 There are loose, broken or missing steps, absence of handrails or guardrails on the interior stairs.

"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" shall not include hospitals, nursing homes, convalescent homes or similar facilities providing medical care to the aged, infirm or disabled.

"48-Month Certificate of Compliance" means the document issued by the Director that allows occupancy of a residential rental dwelling unit for a period of forty-eight (48) months and contains the issue date and the expiration date.

"Inspection District" means an individual rental inspection district established by City Council by duly adopted ordinance or resolution.

"Multiple-Family Complex" means any development, consisting of 10 or more dwelling units under common ownership and occupied for valuable consideration. The term "multiple-family complex" shall not include mobile homes under common ownership in a mobile home park or subdivision; nor shall such term include single family detached dwellings, duplex dwellings, or townhouse dwellings under common ownership.

"Owner" means the person or entity shown on the current real estate assessment books or current real estate assessment records of the City or the fee simple titleholder of the property if ownership has changed since such tax assessment records were last updated.

"Residential rental dwelling unit" means a dwelling unit that is leased or rented to one or more tenants month to month or for any period in excess of thirty (30) days including, but not limited to, condominiums, manufactured or mobile homes, single family detached dwellings, duplex dwellings, townhouse dwellings, or multifamily dwellings (which shall include efficiency apartments and condominiums). 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, unless otherwise provided in the zoning ordinance or the Hampton City Code.

"Virginia Maintenance Code" means Part III of the Virginia Uniform Statewide Building Code.

Sections. 9-232-9-240. Reserved.

DIVISION 2. RENTAL INSPECTION DISTRICTS

Sec. 9-241. Establishment of Rental Inspection Districts.

- (a) City Council may establish by resolution or ordinance one or more rental inspection districts within the City. Prior to establishing or amending any such district, Council shall hold a public hearing on the proposed district. Notice of the hearing shall be given as required by section 36-105.1:1 of the Code of Virginia.
- (b) No rental inspection district shall be established until City Council finds:
 - (1) There is a need to protect the public health, safety and welfare of occupants of dwelling units inside the designated rental inspection district;
 - (2) The residential dwelling units within the designated rental inspection district are either:
 - (a) Blighted or in the process of deteriorating; or
 - (b) The residential rental dwelling units are in need of inspection by the Department to prevent deterioration, taking into account the number, age and condition of the residential dwelling rental units inside the proposed rental inspection district; and
 - (3) The inspection of the residential rental dwelling units inside the proposed rental inspection district is necessary to maintain safe, decent and sanitary living conditions for tenants and other residents living in the proposed rental inspection district.

[Sec. 9-242. Rental Inspection Districts] *Districts to be adopted by Resolution following adoption of this ordinance.

Based upon the findings of City Council as set forth in section 9-241 above, the following areas are included and hereby declared to be rental inspection districts which are subject to the requirements of this article immediately:

North Phoebus District – starting at the intersection of Old Buckroe Rd and Taylor Ave running northeast on Old Buckroe Ave, proceeding 100 ft past the intersection of Old Buckroe Rd and Sherwood Ave, running on an imaginary line southeast along the back of the parcels that front Sherwood Ave to its intersection with N Mallory St; running southwest on N Mallory St to its intersection with Taylor Ave; running northwest on Taylor Ave to the point and place of beginning.

Shell Road Corridor and South Wythe District – starting at the intersection of Settlers Landing Rd. and Armistead Ave.; running south along S. Armistead Ave. to

its intersection with Victoria Blvd.; running south-west along Victoria Blvd to its intersection with Cottonwood Ave.; running south-east along Cottonwood Ave. which turns into Claremont Ave. to its intersection with Chesapeake Ave.; running south-west along Chesapeake Ave to its intersection with Pear Ave.; running north-west along Pear Ave. to its intersection with Victoria Blvd.; running south-west along Victoria Blvd. to its intersection with the boundary between Hampton and Newport News; running north-west along boundary line to its intersection with Aberdeen Rd.; running north-west along Aberdeen Rd. to its intersection with I-664; running north-east along I-664 to its intersection with Kiwanis St.; running south along Kiwanis St to its intersection with Plum Ave.; running east then south along Plum Ave. to its intersection with W. Pembroke Ave.; running north-east along W. Pembroke Ave. to its intersection with Settlers Landing Rd.; running east along Settlers Landing Rd. to the point and place of beginning.

South Phoebus District – starting at the intersection of S Mallory St. and Mellen St.; running south-east along Mellen St. to its intersection with Willard Ave.; running south-west along S Willard Ave. to its intersection with National Ave.; running north-west along National Ave to its terminus at S. Curry St. continue north-west on an imaginary line parallel with I-64 to its intersection with S Mallory St.; running north-east along S Mallory St. to the point and place of beginning.

Sussex District – starting at the intersection of Kecoughtan Rd. and Clyde St.; running south along Clyde St. to its intersection with Catesby Jones Dr.; running east along Catesby Jones Dr. for 125ft then running south on an imaginary line behind the properties on the east side of Clyde St. to its intersection with Roads View Ave.; running south-west along Roads View Ave. to its intersection with Clyde St.; running south-east along Clyde St. to its intersection with Chesapeake Ave.; running south-west along Chesapeake Ave to the eastern property line of 3805 Chesapeake Ave; running north-west along an imaginary line to its intersection with Roads View Ave.; running south-west along the southern property line of 99 Armstrong Dr. to its intersection with unnamed creek; running north along unnamed creek to its intersection with Kecoughtan Rd.; running east along Kecoughtan Rd. to the point and place of beginning.

Based upon the findings of City Council as set forth in section 9-241 above, the following areas are included and hereby declared to be rental inspection districts which are subject to the requirements of this article on and after May 1, 2014:

Hampton Club and Magruder Heights District – starting at the intersection of Hampton Roads Center Pkwy. and Coliseum Dr.; running south along Coliseum Dr. to its intersection with Marcella Rd.; running west along Marcella Rd. to its intersection with Lake Tower Dr.; running south along Lake Tower Dr. to its intersection with I-64; running north-west along I-64 to its intersection with Magruder Blvd.; running north along Magruder Blvd. to its intersection with Hampton Roads Center Pkwy.; running east along Hampton Roads Center Pkwy. to the point and place of beginning.

Holly Homes and Fordham District – starting at the intersection of Andrews Blvd. and Nickerson Blvd.; running east along Nickerson Blvd. to Old Buckroe Rd.; running south along Old Buckroe Rd. to Shelton Rd.; running west along Shelton Rd. to its intersection with Grimes Rd; running north-west along Grimes Rd. to its intersection with Andrews Blvd.; running north-east along Andrews Blvd. to its intersection with Nickerson Blvd. to the point and place of beginning.

Olde Hampton District – starting at the intersection of W. Pembroke Ave. and Armistead Ave.; running south along Armistead Ave. to its intersection with Settlers Landing Rd.; running west along Settlers Landing Rd. to its intersection with W. Pembroke Ave.; running north-east along W. Pembroke Ave. to the point and place of beginning.

Old North Hampton and Langley District – starting at the intersection of LaSalle Ave. and W. Mercury Blvd.; running east along W. Mercury Blvd. to its intersection with Seldendale Dr.; running north along Seldendale Dr. to its dead end; running east to its intersection with Quinn St and N. King St.; running south along N. King St. to its intersection with E. Mercury Blvd.; running east along E. Mercury Blvd. to its intersection with Herberts Creek; running south-east along Herberts Creek to its intersection with Hampton River; running south along Hampton River to its intersection with Brights Creek; running south-west along Brights Creek to its intersection with I-64; running west along I-64 to its intersection with LaSalle Ave.; running north along LaSalle Ave. to the point and place of beginning.

A map showing the rental inspection districts described above is hereby adopted as a part of this article and shall be available for public inspection in the Department.

Sec. 9-243. Buildings or Structures Located Outside of Inspection District.

A residential rental dwelling unit located outside of an inspection district shall nevertheless be subject to the terms of this Article on the following basis: City Council makes a separate finding after a public hearing for said individual residential rental dwelling unit that (i) there is a need to protect the public health, welfare and safety of the occupants of that individual residential rental dwelling unit; (ii) the individual residential rental dwelling unit is either (a) blighted or (b) in the process of deteriorating; or (iii) there is evidence of violations of the Building Code that affect the safe, decent and sanitary living conditions for occupants of such individual residential rental dwelling units. Upon such finding by the City Council, the residential rental dwelling unit shall be subject to this Article, notwithstanding its location outside the inspection districts.

Sec. 9-244. Applicability.

The provisions of this Article shall apply to residential rental dwelling units located within the rental inspection districts identified in section 9-242 of this Article and shall further apply to certain structures located outside of such districts, which meet the requirements of section 9-243 above.

Sec. 9-245-9-250. Reserved.

DIVISION 3. NOTIFICATION AND INSPECTION.

Sec. 9-251. Notification.

- (a) Not later than 60 days following adoption of this ordinance by City Council or the approval of any new or revised rental inspection district, the

Department shall give written notice by first class U.S. mail to all property owners located within the inspection districts of the requirement to notify the Department of any real property of the owner located in an inspection district that is a residential rental property as defined in section 9-231. The mailing of said notice by the Director shall be deemed sufficient notice for purposes of this Article.

- (b) The owner of any residential rental dwelling unit located within an inspection district shall notify the Department in writing no later than 60 days following the date of the notice referred to in paragraph (a) above that said property is a residential rental dwelling unit. Such notice and information shall be submitted on a form provided by the Department. The form shall require the following information:
 - (1) Address of the residential rental dwelling unit.
 - (2) The name(s) of each owner of the residential rental dwelling unit, the street address(es) of the primary residence of each owner of the residential rental dwelling unit and the telephone number of each owner of the residential rental dwelling unit.
 - (3) The name and street addresses of any responsible party or designee other than the owner.
- (c) Upon receipt from an owner of the notice set forth in section 9-251(b), the Department shall send the owner a copy of the list of disqualifying violations promulgated pursuant to section 9-231.
- (c) Upon receipt from an owner of the notice set forth in section 9-251(b), the Department shall send the owner a copy of the list of disqualifying violations promulgated pursuant to section 9-231.
- (d) Within thirty (30) days of giving the notification required under section 9-251(b), the owner shall contact the Department and arrange a time for an initial inspection of the residential rental dwelling unit by the Director. If after reasonable attempts, the Department is unable to contact the owner by telephone, the Department may set a time and date for the inspection and notify the owner by first class mail with a copy addressed to the tenant at the street address of the residential rental dwelling unit. If the time and date is inconvenient for the owner and the owner requests to reschedule the inspection to a more convenient time, the Department shall cooperate with the owner; however, the Department shall not be obligated to reschedule the inspection more than once. It will be the owner's responsibility to notify the tenant of an initial and any rescheduled inspections.
- (e) The owner/seller of any residential rental unit located in an inspection district shall within thirty (30) days of title transfer, notify the Department of any change of ownership of the residential rental dwelling unit.

- (f) Any owner who fails to timely give any notice as required by this section shall be in violation of section 9-251(b) and shall be subject to such penalties and enforcement remedies as provided in section 9-268 (b) of this Article. However, failure to give timely notice in accordance with section 9-251 (b) shall not be deemed a violation if the Department has not complied with section 9-251(a).
- (g) If subsequent to the establishment of a rental inspection district and the giving of notice under section 9-251(a), an owner converts owner occupied property to residential rental property, the Director or the Department shall give the owner of the converted property the notice required by section 9-251(a). Once that notice is given, all terms of this ordinance shall apply to the owner of the converted property.

Sec. 9-252. Inspections.

- (a) The owner of each residential rental dwelling unit located in an inspection district shall obtain and permit an initial inspection and subsequent inspections of such residential rental dwelling unit as provided in this Section. Inspections under this Article shall be conducted by the Department that is charged with the enforcement of this Article. If the unit to be inspected is occupied at the time of a required inspection, it shall be the duty of the owner to notify the occupants of such inspection and make the residential rental dwelling unit available for inspection.
- (b) No annual inspection pursuant to this article shall take place more than one time each year, calculated from the date of the first inspection, regardless of whether additional inspections are necessary to achieve compliance. However, nothing in this Article shall modify the authority of the Director to conduct any other inspections, as allowed under the provisions of the Virginia Uniform Statewide Building Code, and inspections for obtaining a certificate of compliance under this Article do not supplant or preclude any other inspection authorized under the Virginia Uniform Statewide Building Code.
- (c) Should the owner fail to contact the Department within the required time in order to schedule any inspection required under this Article, or should such owner fail to allow such inspection to proceed on the date for which it was scheduled, the owner shall be in violation of this Article and shall be subject to such penalties and enforcement remedies as provided in section 9-268 below.
- (d) The initial inspection of each residential rental dwelling unit which is subject to inspection under this Article, unless the initial inspection is delayed under section 9-252(a), shall take place no later than 90 days after the later of the date that the Department communicates with owner about scheduling the inspection or the date of the written notice setting the date of inspection. However, should the owner of a residential rental dwelling unit which is subject to inspection under this Article, fail to give timely notice as required by section 9-251(b) the Director shall inspect such unit

within a reasonable time of becoming aware of such unit. Each residential rental unit for which a certificate of compliance or 48-month certificate of compliance as described in section 9-253 (a) has been issued shall be again inspected within 30 days from the expiration of the certificate or earlier revocation of a 48-month certificate of compliance.

- (e) Prior to expiration of the certificate of compliance or 48-month certificate of compliance, the owner of the residential rental dwelling unit covered thereby shall contact the Department and arrange for an inspection of such unit. Should the date scheduled for inspection be after expiration of the current certificate and more than thirty days from the day on which the owner contacted the Department to schedule inspection, a 30-day temporary certificate of compliance shall be issued. The inspection shall take place no later than 30 days from the date of application for the inspection. Temporary certificates of compliance shall expire upon the earlier of their stated expiration date or the completion of an inspection which finds all violations satisfactorily remedied.
- (f) Provided the owner has given the Department the notice required by section 9-251(b), requests for inspection under section 9-252(d) may be made by telephone, email or fax. The applicable inspection fees shall be paid prior to conducting the inspections required under this Article.

Sec. 9-253. Certificate of Compliance.

- (a) Unless a residential rental unit in an inspection district is exempted from inspection under this article, or receives a 48-month certificate of compliance, the term of a certificate of compliance issued for any residential rental dwelling unit in an inspection district, shall be for twelve (12) months beginning with the first day of the month next following the month of issuance.
- (b) If an inspection reveals that a residential rental dwelling unit has no disqualifying violations, the Director shall issue a 48-month certificate of compliance for such unit. If an inspection in a multifamily complex reveals that the complex has no disqualifying violations, the Director shall issue a 48-month certificate of compliance for such complex.
- (c) If one or more violations of the Virginia Maintenance Code are found that do not constitute a disqualifying violation, the existence of such non-disqualifying violations shall be noted on the 48-month certificate of compliance together with the date by which such non-disqualifying violations must be remedied, which date shall be determined by the Director and which date shall be reasonable.
- (d) If a follow-up inspection reveals that the owner has failed to remedy the noted violations by the specified date, the Director shall issue a notice of violation, revoke the 48-month certificate of compliance and the unit shall then be subject to annual inspections.

- (e) If a residential rental dwelling unit covered by a 48-month certificate of compliance is found in violation of the Virginia Maintenance Code during the term of such 48-month certificate of compliance, the Director may revoke such 48-month certificate of compliance and such unit shall then become subject to annual inspections.
- (f) If an annual certificate of compliance is issued after the inspection necessitated by the violation of the Virginia Maintenance Code or revocation of the 48-month certificate of compliance, then the residential rental dwelling unit shall again be eligible for a 48-month certificate of compliance only after the annual certificate of compliance has expired and as of the first subsequent annual inspection when no disqualifying violations are found.
- (g) If inspection of a residential rental dwelling unit reveals one or more disqualifying violations, the Director shall not issue a certificate of compliance until the disqualifying violations are satisfactorily remedied. If conditions warrant, however, the Director may require that the residential rental dwelling unit be vacated or remain unoccupied until brought into compliance, pursuant to the authority under Code of Virginia, (1950), as amended, section 36-98, et.seq., the Virginia Uniform Statewide Building Code. Upon compliance the Director shall issue a certificate of compliance.
- (h) Should a residential rental dwelling unit be sold, or the title to the unit be otherwise transferred to another owner during the term of a certificate of compliance or a 48-month certificate of compliance issued for such unit, the term of such certificate shall end as of the last day of the month next following the month of transfer of ownership and the new owner shall contact the Department and arrange for inspection of the unit; provided, however, that if the last inspection of the unit pursuant to this Article occurred during the calendar year of transfer of ownership, the existing certificate shall not expire until the end of such calendar year.
- (i) The issuance of a certificate of compliance or a 48-month certificate of compliance shall not be evidence of a lack of any and all building code violations, and shall not prevent the Director from conducting follow up inspections regarding building code violations in the residential rental unit.

Sec. 9-254. Exemptions.

- (a) The following shall be exempt from the requirements of this Article for the time periods indicated:
 - (1) No inspection of a newly constructed residential rental dwelling unit located in an inspection district shall be required within forty-eight (48) months of the issuance of a certificate of occupancy for such newly constructed unit. Thereafter said unit shall in all respects become subject to the requirements of this Article.

- (2) All hotels, motels, inns, bed and breakfast establishments, and other similar facilities to the extent occupied by transients shall be exempt from compliance with this Article.
- (3) All residential rental dwelling units owned by or leased by an agency or political subdivision of the Commonwealth of Virginia or of the City of Hampton, shall be exempt from compliance with this Article so long as said dwelling units are operated by such entity in carrying out its public purpose and for a period of 48 months thereafter following a change in ownership or termination of the leasehold.
- (4) All residential rental dwelling units regularly inspected pursuant to the authority of an agency or political subdivision of the Commonwealth of Virginia or of the City of Hampton and for a period of 48 months thereafter following the cessation of any such regular inspections.

Sec. 9-255. Violations.

If the dwelling unit fails to comply with any one or more provisions of the Virginia Maintenance Code, and any amendments to that code, the Director shall furnish the owner with a written list of specific violations. Failure to list any violation shall not be deemed a waiver of such violation. Upon the completion of all corrections and repairs, the owner shall arrange a reinspection of the residential rental dwelling unit. Reinspection shall be for the purpose of determining compliance by the owner with the written list of specific violations furnished to the owner by the Director. However, if upon reinspection, the Director discovers other violations that were not listed on the written list of specific violations previously furnished to the owner, the Director shall furnish the owner with a supplemental list of violations and shall provide the owner a reasonable opportunity to correct same. This provision, however, shall not preclude the Director from revoking the 48-month certificate of compliance if the subsequently discovered violations are disqualifying violations or if the non-qualifying violations have not been corrected pursuant to section 9-252 and section 9-253.

Sec. 9-256. Occupancy.

- (a) Two hundred and ten (210) days after establishment of any rental inspection district, it shall be unlawful to permit anyone to occupy a residential rental dwelling unit as a tenant within the rental inspection district unless a current certificate of compliance is in force for such unit.
- (b) Should an owner convert owner-occupied property to residential rental property under section 9-251(g), then one hundred and fifty (150) days after the Department gives the owner of the converted property the notice required by section 9-251(a), it shall be unlawful to permit anyone to occupy a residential rental dwelling unit as a tenant within the rental inspection district unless a current certificate of compliance is in force for such unit.

Sec. 9-257. Multi-Family Complexes.

- (a) If a multifamily complex contains more than 10 residential rental dwelling units, in the initial and annual inspections, the Department shall inspect not less than two units and not more than 10 percent (10%) of the residential rental dwelling units.
- (b) If the Director determines upon inspection of the dwelling units in accordance with (a) above that there are within one or more of such units or the building housing same, violations of the Virginia Maintenance Code that affect the safe, decent and sanitary living conditions for the tenants of such multifamily complex, the Director may inspect as many dwelling units as he deems reasonable necessary to assure compliance with the building code, in which case, the fee shall be based upon a charge per dwelling unit inspected.

Sec. 9-258-9-265. Reserved.

Sec. 9-266. Fees.

- (a) There shall be no fee for the initial inspection of each dwelling unit.
- (b) If minor violations are noted and repairs or corrections are deemed necessary by the Director, and a reinspection is required, no additional fee shall be charged for the reinspection.
- (c) The major or disqualifying violations are noted and a reinspection is required, there shall be a fee of \$100.00 per dwelling unit for each reinspection until the violation is corrected. No reinspection shall be performed, nor any certificate of compliance be issued, unless and until all fees have been paid.

Sec. 9-267. Appeals; effects.

- (a) Any person aggrieved by any determination or decision of the Director made pursuant to this Article shall have the right to appeal such determination or decision in accordance with the provisions of the Virginia Uniform Statewide Building Code, and its amendments.
- (b) 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.
- (c) 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.

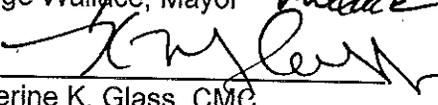
- (d) Nothing in this Article shall be construed to limit the authority of the Director to perform property maintenance inspections in accordance with all other applicable law.

Sec. 9-268. Penalties.

- (a) Any person willfully failing to comply with this Article or the Virginia Uniform Statewide Building Code shall be subject to the penalties established in section 9-2 of this Chapter.
- (b) Any person willfully failing to comply with the notice requirements of 9-251 (b) of this Article shall be subject to a Fifty (\$50.00) dollar civil penalty to be assessed every thirty (30) days from the date notice is due for each property for which they fail to provide notice of ownership of a residential rental dwelling unit which is subject to this Article.
- (c) The remedies set forth in (a) of this section are not the exclusive remedies for non-compliance with the requirements of this Article. The Director shall 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 section 15.2-1432 of the Virginia Code and/or obtaining inspection warrants as provided in section 36-105C3 of the Virginia Code.

Adopted at the special meeting of the City Council of the City of Hampton, Virginia held on October 23, 2013.

Signed by  Date OCT 23 2013
George Wallace, Mayor

Attested by  Date OCT 23 2013
Katherine K. Glass, CMC
Clerk of the Council