



# RENTAL INSPECTION PROGRAM

## Buena Vista Code

Tom Roberts, Director | [troberts@bvcity.org](mailto:troberts@bvcity.org) | (540) 261-8607  
Fred Fix, Building Inspector | [inspector@bvcity.org](mailto:inspector@bvcity.org) | (540) 261-8635

CITY OF  
BUENA VISTA  
Planning & Zoning  
2039 Sycamore Ave  
Buena Vista VA  
24416

### ARTICLE III. - RENTAL PROPERTY INSPECTION

**State Law reference**— Inspection of rental property, Code of Virginia, § 36-105.1:1.

#### DIVISION 1. - GENERALLY

##### Sec. 8-137. - Purpose and intent.

The purpose and intent of this article shall be to implement an inspection program for residential rental properties pursuant to the authority provided for in Code of Virginia, § 36-105.1:1, as amended.

(Ord. of 4-16-2009, § 6-121)

##### Sec. 8-138. - Findings.

(a) The city council finds that within the rental inspection districts, established and described in section 8-162, each of the following conditions exist:

- (1) There is a need to protect the public health, safety and welfare of the occupants of the dwelling units inside the rental inspection district, established and described in section 8-162;
- (2) That such residential rental dwelling units within the rental inspection district are either blighted or in the process of deteriorating, or in need of inspection by the building inspector's office to prevent deterioration, taking into account the number, age and condition of the residential dwelling units inside the rental inspection district; and
- (3) The inspection of residential rental dwelling units inside the rental inspection district is necessary to maintain safe, decent and sanitary living conditions for occupants and other residents living in the rental inspection district.

(b) The city council further finds that, for each of the individual residential rental dwelling units described in section 8-162, one of the following conditions exists:

- (1) There is a need to protect the public health, welfare and safety of the occupants of that individual dwelling unit;
- (2) The individual dwelling unit is either blighted or in the process of deteriorating; or
- (3) There is evidence of violations of the building code that affect the safe, decent and sanitary living conditions for occupants living in such individual dwelling unit.

(Ord. of 4-16-2009, § 6-122)

##### Sec. 8-139. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

*Building code* means the Virginia Uniform Statewide Building Code.

*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.

*Managing agent* means any person having the authority, singly or in combination with another, to enter into an agreement for occupancy of property subject to this chapter.

*Multifamily dwelling development.*

- (1) The term "multifamily dwelling development" means any single building, lot or two or more adjacent buildings or lots under common ownership, which contains three or more residential rental dwelling units, occupied for valuable consideration.
- (2) The term "multifamily dwelling development" does not include mobile homes under common ownership in a mobile home park or subdivision, and such term does not include single-family dwellings, family homes with accessory apartments, two-family dwellings or townhouses under common ownership.

*Occupant* means any person who is not an owner of the dwelling unit or residential rental dwelling unit, who on a regular basis, spends nights at the dwelling unit or residential rental dwelling unit. A person is considered an occupant regardless of whether he or she spends the majority of nights at a residence, if the times he or she does stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if his clothing or other daily living supplies are maintained at the residence.

*Owner* means the person shown on the current real estate assessment books, current real estate assessment records, or the current fee simple title holder of the property if ownership has changed since 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 30 days, including but not limited to condominiums, manufactured homes, mobile homes, efficiencies, single-family detached homes, duplex homes, townhomes, or multifamily homes, apartments and/or condominiums. The term "apartments" includes, but is not limited to, second story or higher, apartment rentals in the downtown or business districts. However, a dwelling unit occupied in part by the owner 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.

(Ord. of 4-16-2009, § 6-123)

**State Law reference**— Similar definitions, Code of Virginia, § 36-105.1:1.

Secs. 8-140—8-161. - Reserved.

## **DIVISION 2. - RENTAL INSPECTION DISTRICTS**

### **Sec. 8-162. - Applicability.**

- (a) The provisions of this article shall apply to all residential rental dwelling units within a rental inspection district established by city council and to individual residential rental dwelling units outside the designated rental inspection districts, when so designated, made subject to this article as provided by Code of Virginia, § 36-105.1:1(B)(3).
- (b) The initial rental inspection district shall be districts one and two as shown on the "Rental Inspection District 2009" map attached to the ordinance from which this article is derived, and these districts are hereby established and made subject to the provisions of this article. Maps detailing this rental inspection district shall be available in the building inspector's office and on the city's website.
- (c) The city council may establish additional rental inspection districts or make individual residential rental dwelling units outside the inspection district subject to this article after notice and a public hearing thereon, as provided by Code of Virginia, § 36-105.1:1.

(Ord. of 4-16-2009, § 6-124)

**State Law reference**— Rental inspection districts, Code of Virginia, § 36-105.1:1(B).

Secs. 8-163—8-192. - Reserved.

## **DIVISION 3. - ENFORCEMENT AND FEES**

### **Sec. 8-193. - Notification.**

(a) The building inspector's office shall make reasonable efforts to notify owners of residential rental dwelling units in the rental inspection district, or their designated managing agent, and any individual residential rental dwelling units subject to this article outside the rental inspection district, in writing, via personal delivery or first class mail, of the adoption of the ordinance from which this article is derived, and provide information, the owner's responsibilities, and an explanation and effective date of the ordinance from which this article is derived.

(b) Within 60 days of the transfer of ownership or a change in the managing agent of any residential rental dwelling unit within a rental inspection district subject to this article, the owner of any residential rental dwelling unit within a residential inspection district shall notify the building inspector's office, in writing via first class mail, if the dwelling unit is used for residential rental purposes. Such notice shall be submitted on a form provided by the building inspector's office, provided in conjunction with the notice in subsection (a) of this section, and shall contain the following information:

- (1) The address and brief description of the rental dwelling unit;
- (2) The name, street address and telephone number of the property owner;
- (3) The name, street address and telephone number of the managing agent, if any; and
- (4) The number of people occupying each dwelling unit and family status of the occupants.

(c) If the building inspector's office has reason to believe that an owner has failed to comply with subsection (b) of this section, the building inspector's office shall mail written notice to the owner advising of a 15-day deadline to comply. The penalty for the willful failure of an owner of a dwelling unit who is using the dwelling unit for residential rental purposes, to comply with the written notification requirement after the building inspector's office has sent notice pursuant to subsection (a) of this section, shall be a civil penalty of \$50.00. For purposes of this section, the term "notice" means sent by regular first class mail to the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed in compliance with this requirement.

(Ord. of 4-16-2009, § 6-125)

**State Law reference**— Notification, Code of Virginia, § 36-105.1:1 C.

**Sec. 8-194. - Rental certificate of compliance required.**

No owner or managing agent shall rent or offer to rent a residential rental dwelling unit within a rental inspection district or an individual residential rental dwelling unit that is subject to this article, without a rental certificate of compliance, issued after a satisfactory inspection of the property by the building inspector's office or designee.

(Ord. of 4-16-2009, § 6-126)

**Sec. 8-195. - Inspections—Generally.**

(a) The building inspector or designee shall have the right to inspect any residential rental dwelling unit within a rental inspection district or other individual residential rental dwelling unit subject to this article at any reasonable time, in order to carry out an inspection required by this article. The owner, managing agent, occupant or other person in charge of the dwelling unit shall permit the building inspector, or designee, access to any residential rental dwelling unit within a rental inspection district or any individual residential rental dwelling unit subject to this article for the purpose of conducting an inspection authorized by this article. In the event of a complaint that a violation of the building code exists that is an immediate and imminent threat to the health or safety of the owner or occupant of a residential rental dwelling unit or a nearby residential rental dwelling unit, and the owner or occupant of the residential rental dwelling unit that is the subject of the complaint refuses to permit the inspection, the building inspector or designee may present sworn testimony to a magistrate or court of competent jurisdiction and request an inspection warrant to enable the building inspector or designee, access to the residential rental dwelling unit for the purpose of determining whether violations of the building code exist.

(b) Nothing in this article shall prohibit an inspection of any residential rental dwelling unit within a rental inspection district or individual residential rental dwelling unit subject to this article for a violation of the building code, pursuant to a complaint.

(Ord. of 4-16-2009, § 6-127)

**Sec. 8-196. - Same—Initial.**

(a) Upon the establishment of a rental inspection district and compliance with the notification requirements set forth in section 8-193, the building inspector or his designee may proceed to inspect any residential rental dwelling unit subject to this article, to determine if the dwelling unit is being used as a residential rental property and for compliance with the provisions of the building code that affect the safe, decent and sanitary living conditions for the occupants of the dwelling unit.

(b) Notwithstanding subsection (a) of this section, if a multifamily development has more than ten dwelling units, the building inspector or designee, shall inspect not less than two and not more than ten percent of the dwelling units in the multifamily development, which includes all of the multifamily buildings which are part of the multifamily development. If upon inspection it is determined that there are violations of the building code that affect the safe, decent and sanitary living conditions for the occupants of the multifamily development, the building inspector or designee, shall inspect as many dwelling units as necessary within the multifamily development to enforce the building code.

(c) If one or more violations of the building code that affect the safe, decent and sanitary living conditions for the occupants of the residential rental dwelling unit are found, a 30-day temporary certificate of compliance shall be issued, together with a date by which the violations shall be remedied. If at the followup inspection, the violations have been remedied by the date specified, a four-year certificate of exemption shall be issued.

(d) If the violations have not been remedied within the time specified, a 30-day extension of the temporary certificate of compliance shall be issued, as deemed reasonably necessary to allow for correction of the violations, together with a date by which the violations shall be remedied. If at the followup inspection the violations are remedied by the date specified, a one-year certificate of compliance shall be issued and the residential rental dwelling unit shall be subject to annual inspections for a period of two years. If after two annual inspections for which no violations are noted, a four-year certificate of exemption shall be issued.

(Ord. of 4-16-2009, § 6-128)

**State Law reference**— Initial inspections, Code of Virginia, § 36-105.1:1(E).

**Sec. 8-197. - Same—Followup.**

Upon the initial or periodic inspection of a residential rental dwelling unit subject to this article, the owner shall permit the building inspector's office to conduct such followup inspections of the dwelling unit as the building inspector's office deems necessary, until such time as the dwelling unit is brought into compliance with the provisions of the building code that affect the safe, decent and sanitary living conditions for the occupants of the dwelling units.

(Ord. of 4-16-2009, § 6-130)

**State Law reference**— Followup inspections, Code of Virginia, § 36-105.1:1(F).

**Sec. 8-198. - Same—Periodic.**

Except as provided in sections 8-196(b) and 8-197, following the initial inspection of a residential rental dwelling unit subject to this article, the building inspector's office may inspect any residential rental dwelling unit, subject to this article, not otherwise exempt from this article, no more than once per calendar year.

(Ord. of 4-16-2009, § 6-131)

**State Law reference**— Periodic inspections, Code of Virginia, § 36-105.1:1(F).

**Sec. 8-199. - Exemptions.**

- (a) Upon the initial or periodic inspection of a residential rental dwelling unit subject to this article and provided there are no violations of the building code that affect the safe, decent and sanitary living conditions for the occupants of such residential rental dwelling unit, the building inspector's office shall issue to the owner of such residential rental dwelling unit, a certificate of exemption from the inspection requirements of this article for a period of four years from the date the certificate is issued.
- (b) Upon the sale of a residential rental dwelling unit, the building inspector's office may perform an inspection subsequent to each sale.
- (c) If a residential rental dwelling unit has been issued a certificate of occupancy within the last four years, the building inspector's office shall issue a certificate of exemption for four years from the date of the issuance of the certificate of occupancy.
- (d) If a residential rental dwelling unit that has received a certificate of exemption becomes in violation of the building code during the exemption period, the building inspector's office shall revoke the exemption previously granted. Prior to revocation, the building inspector's office shall send written notice to the owner or managing agent, via first class mail, specifying the nature of the violations and the date upon which the revocation of the certificate of exemption shall become effective. Proof of mailing to the last known address of the owner or managing agent shall be sufficient evidence that notice was received.
- (e) Issuance of a certificate of exemption shall not serve to exempt an owner, managing agent, or occupant from compliance with all applicable statutes, laws and ordinances, including the building code.

(Ord. of 4-16-2009, § 6-129)

**State Law reference**— Exemptions, Code of Virginia, § 36-105.1:1(G).

**Sec. 8-200. - Fees.**

- (a) There shall be no fee for the initial inspection required by this article, or for the first followup inspection following a determination by the building inspector's office upon conducting the initial inspection, that there are violations of the building code that affect the safe, decent and sanitary living conditions for the occupants of the dwelling units.
- (b) If all violations are not corrected at the time of the first followup inspection, then the fee for any subsequent followup inspections for the initial violations shall be \$50.00 per dwelling unit.
- (c) There shall be no fee for periodic inspections authorized by this article.

(Ord. of 4-16-2009, § 6-132)

**State Law reference**— Fees, Code of Virginia, § 36-105.1:1(H).

Secs. 8-201—8-223. - Reserved.

**DIVISION 4. - APPEALS, VIOLATIONS AND PENALTIES**

**Sec. 8-224. - Appeals.**

- (a) Any owner, managing agent or occupant aggrieved by any determination or decision of the building inspector's office made pursuant to this article shall have the right to appeal such determination or decision to the city manager within 14 calendar days of the receipt of such determination or decision being appealed. Notice of such appeal shall be in writing, on forms provided by the building inspector's office and contain the name and address of the owner, the name and address of the person appealing, if the applicant is not the owner, and the grounds for the appeal. A copy of the building inspector's decision shall be submitted with the application for appeal. Failure to submit an application for appeal within the time permitted shall constitute acceptance of the building inspector's decision.
- (b) Any owner, managing agent or occupant aggrieved by any determination or decision of the city manager made pursuant to this article, shall have the right to appeal such determination or decision to the city's board of building code appeals within 14 calendar days of the receipt of such determination or decision by the city manager.

- (c) Any owner, managing agent or occupant aggrieved by any determination or decision of the city's board of building code appeals made pursuant to this article, shall have the right to appeal such determination or decision in accordance with the building code.
- (d) 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.
- (e) 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 the buildings and other structures.
- (f) Nothing in this article shall be construed to limit the authority of the building inspector's office to perform housing inspections in accordance with applicable law.

(Ord. of 4-16-2009, § 6-133)

**Sec. 8-225. - Violations and penalties.**

- (a) Any owner of a dwelling unit who fails to comply with the written notification requirement after the building inspector's office has sent notice pursuant to section 8-193(a), shall be subject to a civil penalty of \$50.00, assessed 30 days from the date the notice is due. For purposes of this subsection, the term "notice" means sent by regular first class mail to the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed in compliance with this requirement.
- (b) It shall be unlawful for any owner or any other person, firm or corporation to violate any provision of this article. Any violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500.00. Each day the violation continues after conviction or the court-ordered abatement period has expired, shall constitute a separate offense. If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with this article. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of the conviction. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. Any person convicted of a second offense committed within less than five years after a first offense under this article shall be punished by a fine of not less than \$1,000.00 nor more than \$2,500.00. Any person convicted of a second offense committed within a period of five to ten years of a first offense under this article shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00. Any person convicted of a third or subsequent offense involving the same property committed within ten years of an offense under this article after having been at least twice previously convicted shall be punished by confinement in jail for not more than ten days and a fine of not less than \$2,500.00 nor more than \$5,000.00, either or both. No portion of the fine imposed for such third or subsequent offense committed within ten years of an offense under this article shall be suspended. Any prosecution under this subsection shall be commenced within two years as provided in Code of Virginia, § 19.2-8.
- (c) The remedies set forth in this section are not exclusive for noncompliance with the provisions of this article and the building inspector's office may take such further action as permitted by applicable law, in order to obtain compliance with the provisions of this article, including but not limited to, injunctive relief as provided for in Code of Virginia, § 15.2-1432 and inspection warrants as provided for in Code of Virginia, § 36-105(C)(3).

(Ord. of 4-16-2009, § 6-134)

**State Law reference**— Limitation on prosecution, Code of Virginia, § 19.2-8; violations, penalty, Code of Virginia § 36-106.

Secs. 8-226—8-243. - Reserved.