

Work Session

Agenda Item #	4
Meeting Date	February 4, 2013
Prepared By	Sara Anne Daines HCD Director
Approved By	Suzanne R. Ludlow Acting City Manager

Discussion Item	Discussion of Proposed Revisions to Takoma Park Code, Chapter 6.08 Rental Housing Licenses and Commercial Occupancy Licenses, Chapter 6.12 Property Maintenance Code, and Chapter 6.28 Sale of Rental Facilities
Background	<p>The is the second in a series of work session discussions scheduled to facilitate the updating of the Takoma Park Code, Chapter 6 Housing. The focus of the February 4 work session will be on the City's rental housing and commercial licensing program (Chapter 6.08), the Property Maintenance Code (Chapter 6.12), and requirements related to the sale of rental properties (Chapter 6.28).</p> <p>The proposed revisions, with the exception of the following policy issues, are minor in nature and intended to clarify confusing or vague language, standardize references and terminology, address issues that have arisen since the Code was last revisited in 2003, and to reflect current inspection and licensing practices. As such, the Council is asked to provide direction on the following policy questions.</p> <p>Chapter 6.08 Rental Housing Licenses and Commercial Occupancy Licenses</p> <p>Current Policy: To license and regulate rental housing facilities and premises in the City to ensure the protection of the health, welfare, and safety of those persons residing in or visiting such premises.</p> <p><u>Commercial Occupancy Licenses</u></p> <p>Background: The Commercial Occupancy Licensing requirements detailed in the Code expired June 30, 2006. The program, designed to require the exterior inspection and licensing of most non-residential properties in Takoma Park, was established by Code in 2003. Due to a lack of sufficient funding and limited staff capacity, the program was not implemented with issues related to the exterior condition of these properties and their premises addressed on a complaint basis through the enforcement of the Property Maintenance Code.</p> <p>Policy Question: Does the Council wish to license non-residential properties and re-establish the requirements set forth in the Code? The initial cost of establishing the program, which could be offset in part by licensing fees, is estimated at \$25,000 with staffing costs of \$28,000 to \$55,000 per year.</p>

Background
Continued

Owner Occupied Group Homes

Background: Owner occupied group homes, defined as “a house that is occupied as the principal residence of the owner or a family member of an owner and by one or more other individuals,” are not licensed by either the City or Montgomery County. In recent years there has been an increase in the number of complaints regarding the overcrowding or condition of owner occupied group homes. When granted access to these dwellings, staff have noted individuals living in space that does not meet basic life safety requirements (i.e. a lack of windows, no means of egress in case of a fire, or a lack of separation between furnace and mattress). Additionally, staff has documented cases where, in an effort to circumvent the City’s rent stabilization and licensing requirements, the property owner has removed the cooking facilities from the individual rental units and declared a multi-family dwelling to be an owner occupied group home.

Policy Question: Does the Council wish to license owner occupied group homes?

Chapter 6.12 Property Maintenance Code

Current Policy: To require property owners to adhere to minimum maintenance, safety, and sanitation standards.

Parking of Vehicles

Background: The Code currently limits the parking of vehicles to “surfaced parking areas, driveways, and designated parking structures such as garages and carports.” Parking on green space, yards, and sidewalks is prohibited. When cited for parking in the yard and on non-surfaced areas, property owners have often established a “surfaced” parking area in their front yard.

Policy Question: Does the Council wish to restrict the establishment of new parking areas in residential neighborhoods to side or rear yards or restrict their size if located in a front yard?

Chapter 6.28 Sale of Rental Facilities

Current Policy: To increase awareness of the City’s laws as they apply to rental residential facilities through the inclusion of information in all rental housing real estate transactions.

Point of Sale Inspections

Background: Purchasers are currently provided the option of requesting a point of sale inspection by the City prior to closing when licensing inspection reports are unavailable. A limited number of requests for this service have been received. Staff recommends the elimination of the point of sale inspection option and the inclusion of language requiring the seller to provide access to the buyer for a pre-purchase inspection. As proposed, the requirement that available licensing inspection reports be provided to the purchaser and incorporated into the sale documents would remain in place.

Background Continued	Policy Question: Does the Council wish to continue to provide point of sale inspections?
Policy	To ensure the protection of the health, welfare, and safety of those persons residing in or visiting the community through the inspection and/or licensing of residential and non-residential structures, their premises and vacant land.
Fiscal Impact	N/A
Attachments	<ul style="list-style-type: none"> • Chapter 6.08 Rental Housing Licenses and Commercial Occupancy Licenses (Draft February 4, 2013) • Chapter 6.12 Property Maintenance Code (Draft February 4, 2013) • Chapter 6.28 Sale of Rental Facilities (Draft February 4, 2013)
Recommendation	Provide comment on identified policy questions
Special Consideration	<p>The schedule for further discussion of Takoma Park Code, Chapter 6 Housing has been revised as follows.</p> <p><u>Monday, February 11 (tentative)</u></p> <ul style="list-style-type: none"> • Chapter 6.24 Commission on Landlord-Tenant Affairs • Chapter 6.32 Tenant Opportunity to Purchase <p><u>Monday, February 25 (tentative)</u></p> <ul style="list-style-type: none"> • Chapter 6.20 Rent Stabilization • Chapter 6.36 Unsafe Buildings—Public Nuisance Abatement <p><u>Monday, March 4 (tentative)</u></p> <ul style="list-style-type: none"> • Chapter 6.40 Violations and Enforcement • Chapter 6.04 General Provisions and Definitions <p><u>Monday, March 18 (tentative)</u></p> <ul style="list-style-type: none"> • First Reading of Ordinance Amending Takoma Park Code, Chapter 6 Housing <p><u>Monday, April 1 (tentative)</u></p> <ul style="list-style-type: none"> • Second Reading of Ordinance Amending Takoma Park Code, Chapter 6 Housing

Chapter 6.08

RENTAL HOUSING LICENSES ~~AND COMMERCIAL OCCUPANCY LICENSES*~~

Sections:

- 6.08.010 Purpose and policy.
- 6.08.020 License required.
- 6.08.030 License fees.
- 6.08.040 License applications—~~Renewal.~~
- 6.08.050 License information changes—Transferability of license.
- 6.08.060 Display of license.
- 6.08.070 Inspections.
- 6.08.080 License denial, suspension or revocation.
- 6.08.090 Appeals from license denial, suspension or revocation.
- 6.08.100 Reinstatement of license.
- ~~6.08.110 Sunset date.~~

* Legislative History: M.C. 1961, Art. 14, §§ 2—7; Ord. No. 1985-48, 9/9/1985; Ord. No. 1986-45, 11/10/1986; Ord. No. 1987-59, 11/16/1987; Ord. No. 1990-30, 6/11/1990; Ord. No. 1992-23, 6/14/1993; Ord. No. 1994-35, 12/12/1994; Ord. No. 1995-43, 12/11/1995; Ord. No. 1999-41, 1/1/2000; Ord. No. 2002-26, 7/29/2002.

6.08.010 Purpose and policy.

There are numerous dwelling units in the City which are rented, leased, or otherwise let to persons other than the owners of the dwelling unit. ~~There also are numerous business-(commercial) premises within the City.~~ The City Council has the gravest responsibility for the protection of the health, safety, and welfare of all of the citizens of the City and of the occupants of these premises. It is declared to be the policy of the City that rental housing ~~and business-(commercial) facilities and-~~ premises in the City shall be licensed and regulated in such a manner as to ensure the protection of the health, welfare, and safety of those persons residing ~~in, operating a business, or in or~~ visiting such premises, and that such licensing and regulation shall be as set forth in this chapter. (Ord. 2006-50 § 1 (part), 2006: Ord. 2003-7 § 1 (part), 2003: prior code § 6-200)

6.08.020 License required._[SD1]

A. Rental Housing License. The legal owner of record of a rental facility shall obtain a rental housing license before operating a building or dwelling as rental housing.

1. The rental housing license shall contain the name, street address, email address, ~~and~~ telephone number ~~of the property owner~~ and emergency contact information for the property owner ~~and or~~ property manager or agent authorized to act for the owner on all matters relating to the ~~rental housing~~ rental facility. The rental housing license also shall specify the exact location of the ~~rental housing~~ rental facility for which the license is issued. If the property owner is a corporation, limited liability company, or other entity, the entity must be properly qualified to do business in Maryland under state law. All corporate, limited liability company, or other entity property owners and all non-Maryland resident property owners shall certify to the City the name, street address, email address and telephone number of an agent who resides in Maryland and is qualified to accept notices and service of process on behalf of the property owner and must keep such information current. ~~All Property~~ owners ~~and all or~~ property managers or agents who are authorized to act ~~on behalf of~~ for the property

owner on emergency matters relating to the ~~rental housing~~ rental facility shall provide the City with emergency contact information and shall keep such information current.

2. The following types of rental housing licenses shall be issued:

a. Regular Annual Rental Housing Licenses. ~~Regular Annual R~~rental ~~H~~housing ~~L~~licenses shall be issued for a term of one calendar year expiring on December 31 of the calendar year.

b. Biennial Rental Housing Licenses. If the ~~rental facility~~rental facility is well-maintained a and qualifies for the Biennial ~~Residential Rental Housing Inspection Program~~License may be, ~~then a rental housing license shall be~~ issued for a term of ~~2~~two calendar years, expiring on December 31 of the second calendar year.

i. ~~To be eligible for the Biennial Residential Rental Inspection Program,~~
~~a~~To be eligible for a Biennial Rental Housing License, rental facility may have no more than five ~~5~~ minor violations of ~~the Takoma Park City Code, Chapter 6.12 -~~ Property Maintenance Code may exist in the rental facility at the time of the licensing inspection and all violations identified by the code official must be ~~must be~~ corrected by the established reinspection abatement ~~date set by the code official~~. Examples of minor violations include, but are not limited to, small wall cracks, slow faucet leaks, and defective bathtub caulking. ~~The City Manager may remove a~~

ii. ~~A rental facility from the Biennial Residential Rental Housing License shall not be issued Inspection Program if:~~ (i) ~~three~~ 3 or more valid complaints ~~are received~~ about the condition of the rental facility~~rental facility~~ or any ~~rental unit~~rental unit ~~are filed with the City~~ during the prior license term; (ii) ~~serious Property Maintenance Code violations~~ violations of Takoma Park City Code, Chapter 6.12 - Property Maintenance Code are identified by the code official ~~occur~~ in the ~~rental facility~~rental facility or any ~~rental unit~~rental unit during prior ~~the~~ license term; (iii) the property owner or property manager of the ~~rental facility~~rental facility fails to respond to ~~City or~~ valid maintenance ~~tenant~~ requests in a timely manner; or (iv) ~~the City Manager, in his or her discretion, code official~~ determines that there is other good cause for declaring a rental facility to be ineligible for a Biennial Rental Housing License. ~~removing the rental facility from the biennial inspection program and placing the rental facility on an annual inspection schedule for a regular rental housing license or issuing a temporary rental housing license.~~

c. Temporary Rental Housing Licenses.

i. A temporary rental housing license may be issued for ~~the following:~~

(A) ~~That part of a~~ a newly constructed or partially renovated ~~or renovated~~ ~~rental facility~~rental facility that ~~has been completely constructed or renovated provided they~~ to be occupied and the property owner has obtained a certificate of occupancy or certification from Montgomery County Department of Housing and Community Affairs confirming that the individual rental units meet all life safety codes and complied with all other applicable laws. ~~temporary certificate of occupancy and complied with all other applicable laws.~~

~~(B)—A rental facility or unit that is temporarily vacant because the facility or unit is undergoing repairs or renovations.~~

~~(C)—A rental facility or unit that is vacant, but the owner intends to rent or re-rent the facility or unit within a 6-month period.~~

~~ii.—A temporary rental license shall be issued for a six 6-month term. The license fee for a temporary rental license shall be one-half of the regular rental housing license fee, as set forth in Section 6.08.030. A temporary rental license shall expiring on June 30 and December 31 of the calendar year.e at the earlier of the end of the license term or when a regular or biennial rental housing license to operate the entire rental facility or the rental unit is issued.~~

~~iii. A temporary rental license may be renewed for up to 2 additional terms if:~~

~~(A)—tThe property owner has shown good cause why the construction, repairs or renovations to the rental facility housing facility or unit have not been completed; or~~

~~(B)—The rental facility or unit remains vacant, but the owner desires to maintain the rental use of the rental facility or unit; provided, however, that such a vacant rental unit or facility must apply for a regular or biennial rental housing license for the vacant rental facility or unit within 15 business days of the rental of any such vacant rental facility or unit.~~

~~iiiv. All requirements of this chapter for issuance of an Annual regular or Biennial Rrental Hhousing License shall apply to the issuance of a temporary rental license except that the rental facility or unit shall not be required to have passed a licensing inspection for compliance with the Takoma Park City Code, Chapter 6.12 - Property Maintenance Code.Property Maintenance Code.~~

~~B.—Commercial Occupancy License. The owner of business premises shall obtain a commercial occupancy license.~~

~~1.—The commercial occupancy license shall contain the name of the property owner and the owner's street address and phone number. The commercial occupancy license also shall specify the exact location of the business premises and the number of square feet of enclosed area of the business premises. If the property owner is a corporation, limited liability company, or other entity, the entity must be properly qualified to do business in Maryland under state law. All corporate, limited liability company, or other entity property owners and all non-Maryland resident property owners shall certify to the City the name, street address, and telephone number of an agent who resides in Maryland and is qualified to accept notices and service of process on behalf of the owner and must keep such information current. All owners or property managers or agents who are authorized to act for the owner on matters relating to the business premises shall provide the City with emergency contact information and shall keep such information current.~~

~~2.—For each business occupying the business premises, the owner shall provide the City with the name of each business, the type or nature of each business, the owner of each~~

~~business, the exact location of each business, and the number of square feet of space occupied by each business in the business premises.~~

~~3. Commercial occupancy licenses shall be issued to the owner of the business premises and shall be issued for a period of one year from the date of issuance.~~

C. Exemptions. The following shall not require ~~either a rental housing license or a commercial occupancy license:~~

1. Government buildings (for example, City, County, M-NCPPC, school, State, Federal, or post office);

2. Hospitals, nursing homes, convalescent homes, hospices, and other health care facilities and residences;

3. Churches, synagogues, parsonages, rectories, convent and parish houses, and other religious facilities;

4. Portions of residential buildings used for home occupations or home day care;

5. Hotels, motels, tourist homes, and bed and breakfast facilities;

6. Private schools and colleges and school dormitories. (Ord. 2006-50 § 1 (part), 2006: Ord. 2003-7 § 1 (part), 2003: prior code § 6-201)^[SD2]

6.08.030 License fees.

A. ~~Rental Housing License.~~ Each owner of a ~~rental facility~~ rental facility shall pay an annual rental housing license fee of \$~~101~~84.00 per rental unit in the ~~rental facility~~ rental facility, for an ~~an regular~~ Annual ~~Rental~~ h~~Housing~~ l~~License~~, and a biennial rental housing license fee of \$~~84~~101.00 ~~for 2 years~~ per rental unit in the rental facility for a ~~b~~ Biennial ~~Rental~~ h~~Housing~~ l~~License~~ or a six-month rental housing license fee of \$51.00 per rental unit for a Temporary Rental Housing License.

B. _____ Rental housing license fees shall be due and payable 30 calendar days after billing. License fees are nonrefundable and are not prorated in the event that a license is issued after January 1~~st~~ of a calendar year or the number of rental units in a rental facility decreases during a calendar year~~-.~~.

~~B. Commercial Occupancy License. Each owner of business premises subject to licensing shall pay the following annual license fees for the business premises:~~

~~1. \$75.00 for business premises containing up to 15,000 square feet of enclosed area; \$150.00 for business premises containing between 15,001 and 45,000 square feet of enclosed area; and \$225.00 for business premises containing more than 45,001 square feet of enclosed area.~~

~~2. Commercial occupancy license fees shall be due and payable 30 days after billing. License fees are nonrefundable and are not prorated for licenses issued after January 1st of a calendar year.~~

C. License Fee Increases.

1. Effective on January 1st of each year, ~~beginning with January 1, 2003 when the annual rental housing license fee was \$74.00 per rental unit~~, all license fees shall increase by an amount equal to the percent change in the Consumer Price Index, All Urban Consumers, DC-MD-VA-WV, All Items, November 1996 = 100 ("CPI-U"), or any successor or replacement to this CPI, rounded to the nearest dollar. All annual computations shall be based on the prior non-rounded figures; only the fee charged shall be rounded. The percent change in the CPI-U shall be computed for the 12-month period ending in September of each year from the average CPI-U for the 12-month period ending in September of the previous year. If there is no increase in the CPI-U, then the license fee shall remain the same.

2. Fees shall not be increased for the holder of a license during the time that license is valid, but nothing contained herein shall be construed to limit the amount of any fee due and payable at the time of renewal or reinstatement. If the number of rental units in a rental facility ~~or the square footage of space in the business premises~~ increases during the license term over the number specified in the application, then, within 15 ~~business~~calendar days of such increase, the license application shall be amended and any additional amount of license ~~and inspection~~ fee required by reason of such increase shall be paid.

D. Penalty for Late Payment of Fees. The license fee shall be subject to a 2% penalty per month, or any portion thereof, beyond the date the fee is due and payable. (Ord. 2006-50 § 1 (part), 2006: Ord. 2003-7 § 1 (part), 2003: prior code § 6-202)

6.08.040 License applications—Renewal.

A. Application for a new rental housing license or the renewal of an existing rental housing license ~~or commercial occupancy license~~ shall be made by or on behalf of the property owner on a form provided by the City containing such information as necessary to administer and enforce the provisions of this chapter.

B. Applications for rental housing licenses for previously unlicensed rental housing facilities shall be submitted prior to an announcement of the availability of the rental facility or occupancy of the rental facility.

C. Applications for the renewal of an existing rental housing license shall be submitted prior to the expiration of the existing rental housing license issued for the rental facility.

~~Each license application shall be accompanied by the required license fee.~~

6.08.050 License requirements.

BA. Prior to the issuance of a new rental housing license or the renewal of an existing rental housing license~~Before a rental housing license is issued~~, the following criteria shall have been met:

1. ~~4.~~ License application form must be completed in its entirety and submitted to the City by the established deadline

2. All rental housing license fees, fines and late payment charges related to the rental housing license and due to the City must be paid in full.

3.

~~For a rental housing license, the~~ 3. The property owner or the management agent must have a valid Takoma Park Landlord Certification. Certification must be renewed every ~~three~~ 3 years or upon a change in the ownership or management of the rental housing, whichever occurs earlier.

~~42. For a rental housing license, the~~ The license applicant has complied with all applicable provisions of Annotated Code of Maryland, Title 6, Subtitle 8, Reduction of Lead Risk in Housing, as amended, or has submitted evidence that the rental facility is not subject to the provisions of that subtitle.

~~5G.~~ Licensing ~~i~~ Inspections.

1. Currently Licensed Rental Facilities ~~and Business Premises~~. Before the expiration of the license term, all interior and exterior areas of the ~~rental facility~~ rental facility and each rental unit of the ~~rental facility~~ rental facility ~~and all exterior areas of the business premises, as applicable,~~ shall be inspected by the City or its agent for compliance with Takoma Park City Code, Chapter 6.12 - Property Maintenance Code ~~the Property Maintenance Code~~ ("licensing inspection") and there must be no uncorrected violations of the ~~Property Maintenance~~ Code.

2. New Rental Facilities. Before a rental housing license shall be issued for the initial rental of a rental facility or any rental unit, all interior and exterior areas of the rental facility and each rental unit of the rental facility shall be inspected by the City or its agent for compliance with ~~the~~ Takoma Park City Code, Chapter 6.12 - Property Maintenance Code ~~Property Maintenance Code~~ and there must be no uncorrected violations of the ~~Property Maintenance~~ Code.

~~D. — Renewal. All rental housing licenses and commercial occupancy licenses shall be renewable upon payment of the appropriate fees and compliance with the provisions of this chapter. (Ord. 2006-50 § 1 (part), 2006: Ord. 2003-7 § 1 (part), 2003: prior code § 6-203)~~

6.08.0650 License ~~information changes~~ Transferability of license ~~Transferability of license~~.

A. ~~If an~~ The applicant for or the holder of a rental housing license shall notify the City in writing within 15 calendar days of any transfer of ownership of the rental facility or change in the street address, telephone number and email address of the property owner and any change in assigned property manager or agent or designated emergency contact authorized to act for the owner on matters relating to the rental facility ~~changes address, changes emergency contact information, changes the management or resident agent for the licensed rental facility or the licensed business premises, or transfers ownership, the applicant or the licensee shall notify the City within 15 business days of the change.~~ The City may reject an

application or suspend or revoke a license if the applicant or licensee does not notify the City as required by this section.

B. Any person who takes over the ownership or operation of a licensed ~~rental facility~~rental facility or ~~licensed business premises~~ may transfer the license for the unexpired portion of the term for which the license was issued by applying to the City within 15 ~~business calendar~~ days after taking ~~over~~ ownership ~~or operation~~of the rental facility or assuming responsibility for the management or operation of the rental facility and paying a license transfer fee of \$75.00.

C. Whenever the ownership of a ~~rental facility~~rental facility or ~~of business premises~~ is transferred, the transferee shall promptly notify all tenants of the ~~rental facility~~rental facility or ~~the business premises~~ of the name, street address, email address and ~~and~~ -telephone number of the transferee and of any property manager, ~~or agent~~ or emergency contact authorized to act for the transferee on matters relating to the rental ~~housing. The facility. -~~ transferee also shall provide emergency contact information for the transferee and for any property manager or agent authorized to act for the transferee on matters relating to the rental housing. (Ord. 2006-50 § 1 (part), 2006: Ord. 2003-7 § 1 (part), 2003: prior code § 6-204)

6.08.0760 Display of license.

The owner of a ~~rental facility~~rental facility and ~~of business premises~~ shall display the rental housing license ~~in a common area in each rental facility in the lobby, vestibule, rental or management office, or other prominent public place on the premises~~ during the entire period the rental housing license is effective. If the rental facility ~~or the business premises~~ does not have ~~a lobby or other~~an appropriate public place on the premises for display of the rental housing license, then a copy of the rental housing license shall be available from the owner or the owner's agent upon request. (Ord. 2006-50 § 1 (part), 2006: Ord. 2003-7 § 1 (part), 2003: prior code § 6-205)

6.08.0870 Inspections.

A. In addition to the licensing inspection required pursuant to Section 6.08.0450 ~~—~~ License requirement, the City or its agent may inspect ~~a rental housing rental facility or rental unit or business premises~~ at any time or times if the City or its agent receives a complaint or has reasonable grounds to believe that the ~~rental housing rental facility or rental unit or the business premises~~ does not comply with Takoma Park City Code, Chapter 6.12 - Property Maintenance Code~~the Property Maintenance Code~~ and all applicable laws ("complaint inspection").

B. As a condition of receiving and maintaining a rental housing license under this chapter, a property owner must agree to:

1. Allow access to the City or its agent for any inspections required under this ~~Chapter or the Property Maintenance Code~~; and

2. Provide written notice of the intent of the City or its agent to inspect the rental unit in accordance with the provisions of Takoma Park City Code, Chapter 6.16.10 – Entry to

Notify any affected tenant of the rental facility ~~housing whose unit requires inspection of the intent of the City or its agent to inspect the rental unit.~~

C. If an inspection indicates that any ~~rental housing rental facility or rental unit or business premises~~ does not comply with ~~the Takoma Park City Code, Chapter 6.12 - Property Maintenance Code~~ and all applicable laws, the City may deny, suspend or revoke the license or proceed with enforcement under applicable provisions of law. (Ord. 2006-50 § 1 (part), 2006: Ord. 2003-7 § 1 (part), 2003: prior code § 6-206)

6.08.0980 License denial, suspension or revocation.

A. The City Manager may deny, suspend or revoke a rental housing license ~~or commercial occupancy license~~ for all or any unit or part of any rental facility ~~or for business premises~~ at any time if the property owner or agent of the property, after 15 calendar days written notice, does not eliminate or initiate bona fide efforts to eliminate violations of Takoma Park City Code Title 6, Housing, or other applicable laws. Revocation, denial or suspension of a license is in addition to, and not a substitute for, any other penalties provided for the violations.

B. Upon making a determination that a license should be denied, suspended or revoked, or that any application, including an application for license issuance or license renewal, should be denied the City Manager shall issue a written notice of the action setting forth the specific reasons for the action and serve the notice on the property owner or agent of the property as provided in Takoma Park City Code Sections 1.04.120(C) and (D).

C. A license may be suspended immediately upon written notice to the property owner or agent of the property if ~~the~~ City Manager determines that there are violations of ~~the Takoma Park City Code, Chapter 6.12 - Property Maintenance Code~~ or other applicable law in the rental facility or in any rental unit ~~or business premises~~ which pose a serious threat to the life, safety, property, or health of the tenants of the rental facility ~~or any rental unit or of the tenants or occupants of the business premises~~ ("serious violations").

D. When a rental housing license has been suspended or revoked or an application for a rental housing license has been denied, it shall be unlawful for the property owner of the ~~rental facility rental facility or the business premises~~ to rent, lease, let for occupancy, or use any rental unit or space in the premises then vacant or becoming vacant until a rental housing license has been issued, reissued or reinstated.

E. Upon the denial, suspension, revocation or expiration of a rental housing license, notice, provided by the City, shall be posted and prominently displayed in the rental or management office of the rental facility, on the door of the affected rental unit or units, or in a public place on the premises, as the City Manager determines. The notice shall state substantially as follows:

RENTAL OR OCCUPANCY OF ANY UNIT IN THIS BUILDING NOW VACANT OR
BECOMING VACANT AFTER THE DATE OF THIS NOTICE IS UNLAWFUL UNTIL A
RENTAL HOUSING LICENSE HAS BEEN OBTAINED FROM THE CITY OF TAKOMA
PARK AND IS DISPLAYED ON THE PREMISES.

Date of Notice: _____.

It is unlawful for any person to remove such notice until a license has been obtained or reinstated.

F. If a rental housing license is denied, revoked or suspended and the City Manager determines that there are serious violations of Takoma Park City Code, Chapter 6.12 - the Property Maintenance Code or other applicable law in the ~~rental facility~~rental facility or in any rental unit, then the City Manager shall require the property owner, ~~or property manager or agent of the property~~ to give any tenants occupying the affected rental facility or the affected rental unit or units two 2-months written notice to vacate. The two 2-month notice must begin on the first day of the month after service of the notice on the tenant. In addition, a copy of the notice must be delivered to the City Manager. It is unlawful for any property owner, ~~or property manager or agent of the property~~ to penalize any tenant who vacates a rental unit under this provision prior to the expiration of the two months written notice to vacate by charging the tenant rent for any period after the tenant vacates the rental unit or by other fees, penalties, or deductions from the tenant's security deposit. (Ord. 2006-50 § 1 (part), 2006: Ord. 2003-24 § 2 (part), 2003/Ord. 2003-7 § 1 (part), 2003: prior code § 6-207)

6.08.10090 Appeals from license denial, suspension or revocation.

A. Any owner or agent of a rental facility ~~or business premises~~ aggrieved by an action of the City Manager under the provisions of Section 6.08.0890 herein may, within 15 calendar days after service of the written notice of the action, appeal the action to the Commission on Landlord-Tenant Affairs by filing a written notice of appeal with the Commission. An appeal does not stay the City Manager's action unless the Commission stays the action for good cause.

B. Within 30 calendar days after a notice of appeal is filed, the Commission shall conduct a hearing, at which the owner or agent aggrieved shall have an opportunity to be heard. The Commission may summon all witness it deems necessary and/or require the production of relevant documents and records. Failure to comply with the summons is a violation of this chapter.

C. Commission hearings shall be conducted in accordance with the procedures set forth in Chapter 6.24, Commission on Landlord-Tenant Affairs, and the Commission's regulations and rules of procedure, as applicable.

D. Within 30 calendar days after the hearing, the Commission shall reverse, modify or affirm the action appealed. The Commission shall issue its opinion and order in writing and provide a copy to the owner or agent aggrieved. The Commission may extend the time for any hearing and the issuance of its opinion and order.

E. Any person aggrieved by the opinion and order of the Commission may appeal to the Circuit Court for Montgomery County within 30 days from the date of the Commission's opinion and order. The procedures for an appeal of a Commission opinion and order shall be governed by Title 7, Chapter 200 (Judicial Review of Administrative Agency Decisions), of the Maryland Rules, as amended. An appeal does not stay enforcement of the Commission's

opinion and order unless the court grants a stay. (Ord. 2006-50 § 1 (part), 2006: Ord. 2003-24 § 2 (part), 2003: prior code § 6-208)

6.08.1010 Reinstatement of license.

A rental housing license which has been denied, suspended or revoked shall be issued or reinstated upon a showing that the conditions and violations which led to the denial, suspension or revocation have been corrected and upon the payment of any license or other fees then due. In the case of a license suspension or revocation, a reinstatement fee of \$250.00 also shall be paid. (Ord. 2006-50 § 1 (part), 2006: Ord. 2003-24 § 2 (part), 2003/Ord. 2003-7 § 1 (part), 2003: prior code § 6-209)

~~6.08.110 Sunset date.~~

~~All provisions contained in this chapter applying to Commercial Occupancy Licenses shall expire on June 30, 2007, and shall be of no effect thereafter. (Ord. 2006-50 § 1 (part), 2006: Ord. 2003-24 § 2 (part), 2003/Ord. 2003-7 § 1 (part), 2003: prior code § 6-210)~~

Chapter 6.12

PROPERTY MAINTENANCE CODE*

Sections:

6.12.010	Property Maintenance Code—Administration.
6.12.020	Adoption of Property Maintenance Code.
6.12.030	Property Maintenance Code—Amendments to Chapter 26, Housing and Building Standards, of the Montgomery County Code.
6.12.040	Property Maintenance Code—Deletions from Chapter 26, Housing and Building Standards, of the Montgomery County Code.
6.12.050	Property Maintenance Code—Motor vehicles.
6.12.060	Property Maintenance Code—Premises identification.
6.12.070	Property Maintenance Code—Graffiti.

* Legislative History: M.C. 1961, Art. 15; Ord. No. 2073; Ord. No. 2555, 3/23/81; Ord. No. 2589, 10/13/81; Ord. No. 1987-59, 11/16/87; Ord. No. 1993-5, 4/12/1993; Ord. No. 1994-11, 2/25/1994; Ord. No. 1994-24, 10/10/1994; Ord. No. 1995-43, 12/11/1995; Ord. No. 2002-26, 7/29/2002.

6.12.010 Property Maintenance Code—Administration.

A. Title. This chapter shall be known as the Property Maintenance Code of the City of Takoma Park, hereinafter referred to as “this code” or as “Property Maintenance Code.”

B. Scope. The provisions of the Property Maintenance Code shall apply to the exterior of all existing residential and nonresidential structures, to all premises and appurtenances of such residential and nonresidential structures, and to vacant land. The provisions of this code shall also apply to the interior and exterior of all residential rental structures and all nonresidential structures which are required to be licensed and inspected by the City, and all existing premises and to all premises and appurtenances of such residential structures. These code provisions constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement, and penalties.

C. Code Enforcement Officers. The City Manager is authorized to designate employees, contractors or agents of the City to administer and enforce the provisions of the Property Maintenance Code. The persons so authorized shall be known as Code Officials or Code Enforcement Officers.

D. Restriction of Employees. An employee, contractor or agent of the City who is responsible for the enforcement of any provision of the Property Maintenance Code shall not own or manage rental residential property or nonresidential property within the City and shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building within the City, or in the preparation of construction documents thereof. No employee, contractor or agent of the City shall engage in any work that conflicts with his or her enforcement of any provision of the

Property Maintenance Code. (Ord. 2003-24 § 4 (part), 2003/Ord. 2003-7 § 1 (part), 2003: prior code § 6-300)

6.12.020 Adoption of Property Maintenance Code.

The provisions of Chapter 26, Housing and Building Maintenance Standards, of the Montgomery County Code, as amended from time to time, are adopted as the Property Maintenance Code of the City of Takoma Park, Maryland. (Ord. 2003-24 § 4 (part), 2003: Ord. 2003-7 § 1 (part), 2003: prior code § 6-301)

6.12.030 Property Maintenance Code—Amendments to Chapter 26, Housing and Building Standards, of the Montgomery County Code.

A. The word “County” in Section 26-1, Purpose, is amended to read “City.”

B. The definitions set forth in Section 26-2, Definitions, are amended as follows:
Chief Administrative Officer or CAO: The Chief Administrative Officer or the CAO's designee and the City Manager of the City of Takoma Park or the City Manager's designee.

Director: The Director of the Department of Housing and Community Affairs, or the Director's designee and the City Manager of the City of Takoma Park or the City Manager's designee.

Enforcing agency:

- (a) the Department of Housing and Community Affairs;
- (b) any other agency of County government which the Chief Administrative Officer assigns to enforce this Chapter;
- (c) the City of Takoma Park; or
- (d) any employee, agency or department of the City government or any City contractor or agent which the City Manager assigns to enforce the Property Maintenance Code or any provision thereof.

(Ord. 2003-24 § 4 (part), 2003: prior code § 6-302)

6.12.040 Property Maintenance Code—Deletions from Chapter 26, Housing and Building Standards, of the Montgomery County Code.

The following sections of Chapter 26, Housing and Building Standards, of the Montgomery County Code, are hereby deleted:

Section 26-3. Applicability; exemptions.

Section 26-4. Compliance with other laws, subsection (a), Other County laws apply.

Section 26-13. Designation of unfit dwellings and unsafe residential structures; condemnation.

Section 26-14. Repair or removal of condemned buildings or structures.

Section 26-16. Penalty for violation of Chapter. ^[SD1](Ord. 2003-24 § 4 (part), 2003: prior code § 6-303)

6.12.050 Property Maintenance Code—Motor vehicles.

A. No inoperative, immobile, or severely damaged or unlicensed motor vehicle or transport vehicle designed to be towed such as a utility or boat trailer shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. A license plate with current expiration tags or a temporary registration placard must be displayed on the motor vehicle at all times.

~~Exception:~~ This provision shall not prevent the performance of vehicle repair work or body overhaul by a licensed commercial vehicle repair facility, body shop or garage, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. Painting of vehicles is prohibited unless conducted inside an approved spray booth facility.

B. Parking of vehicles shall be limited to surfaced parking areas, driveways, and designated parking structures such as garages and carports. Parking of vehicles on green space, yards, and sidewalks is prohibited. (Ord. 2003-24 § 4 (part), 2003: prior code § 6-304)^[SD2]

6.12.060 Property Maintenance Code—Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street fronting the property. These numbers shall contrast with their background, display Arabic numbers designating assigned street address. Numbers must be at least 3½ inches high for single family dwellings and at least 6 inches high for multi-family residential dwellings and all nonresidential structures. Address displays must be posted on a contrasting background and displayed in a conspicuous place that is unobstructed and clearly readable from the street. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 1/2". (Ord. 2003-24 § 4 (part), 2003: prior code § 6-305)^[SD3]

6.12.070 Property Maintenance Code—Graffiti.

A. Purpose and Intent. Graffiti on public and private property is a public nuisance and a blighting factor which deteriorates property and depreciates the value of the affected property, as well as the adjacent and surrounding properties. The Council intends, through adoption of this section, to help prevent the spread of graffiti vandalism, to require the removal of graffiti, and to provide additional enforcement tools to protect public and private property from acts of graffiti vandalism and defacement.

B. Graffiti Defined. "Graffiti" means any unauthorized inscription, mark, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise applied to any surface of public or private property to the extent that the graffiti was not authorized in advance by without the authorization of the owner or occupant of the property.

C. Prohibition of Graffiti. It is unlawful for any person to apply graffiti to any natural or manmade surface on any public property or, without the permission of the owner ~~or occupant~~, on any private property.

D. Removal of Graffiti by Perpetrator. Any person applying graffiti on public or private property shall remove or effectively obscure the graffiti within 24 hours after notice by the City or private owner of the property involved. Any person applying graffiti shall be responsible for the removal or for payment of cost of removal of the graffiti. Failure of any person to remove graffiti or pay for the removal shall be a violation of this section. Where graffiti is applied by a minor, the minor's parents or legal guardian shall also be responsible for the removal of the graffiti or for payment of the cost of the removal.

E. Removal of Graffiti by Property Owner or City. If the graffiti is not removed or effectively obscured by the perpetrator according to subsection (D) of this section, the graffiti shall be removed pursuant to the following provisions:

1. Property Owner Responsibility. It is unlawful for any person owning property, acting as manager or agent for the owner of property, or in possession or control of property (hereinafter "responsible party") to fail to remove or effectively obscure any graffiti upon such property.

2. Notice. Whenever the City becomes aware of the existence of graffiti on any property, the City shall give written notice to the property owner or responsible party to remove or effectively obscure such graffiti within one week seven calendar days from the date of service of the written notice. The form and method of service of the notice of violation shall be as set forth in the Property Maintenance Code, Section 26-12 (Notice of violation; order to comply) of the Montgomery County Code.

3. Right of City to Remove.

a. Right of Entry on Private Property. Prior to entering upon private property or property owned by a public entity other than the City for the purpose of graffiti removal, the City shall attempt to secure the consent of the property owner or responsible party and a release of the City from liability for property damage or personal injury. If the graffiti is not removed within the time specified in subsection (E)(2) of this section or any extension of time granted by the City for good cause shown, or if the City has requested consent to remove or effectively obscure the graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the City or has failed to respond to the request for entry, then the City shall commence proceedings for the graffiti removal according to the provisions specified below.

b. The City Manager, or the designee of the City Manager, serving as the Hearing Officer, shall provide the property owner whose name appears in the tax records and the responsible party, if a person different from the owner, not less than 48 hours notice of the City's intent to hold a due process hearing at which the property owner or responsible party shall be entitled to present evidence and argue that the property does not constitute a public nuisance. Notice of the due process hearing shall be served as set forth in the Property Maintenance Code, Section 26-12 (Notice of violation; order to comply), subsection (d), of the Montgomery County Code.

c. Determination of Hearing Officer. The determination of the Hearing Officer after the due process hearing shall be final and not appealable. If, after the due process hearing, regardless of the attendance of the property owner or responsible party, the Hearing Officer determines that the property contains graffiti viewable from a public or quasi-public place, the Hearing Officer shall give written notice that, unless the graffiti is removed within one week, the City shall enter upon the property and remove or cause the graffiti to be removed or effectively obscured and charge the property owner or responsible party for the expenses incurred by the City in such graffiti removal.

d. Payment of Removal Costs—Lien. The City shall send a bill for the cost of the graffiti removal to property owner or responsible party. If all or any portion of the bill remains unpaid after 30 calendar days, then the cost shall be a lien against the property which may be collected and enforced in the same manner as are taxes, special assessments and other liens on real property or collected as provided for in Section 6.40.020.

F. Exemption. This section shall not be construed to prohibit temporary, easily removable chalk or other water soluble markings on public or private sidewalks, streets or other paved surfaces which are used in connection with traditional children's activities, such as hopscotch and the like, nor temporary, easily removable chalk or water soluble markings used in connection with any lawful business or public purpose or any City-approved public art project or activity. (Ord. 2003-24 § 4 (part), 2003: prior code § 6-306)

Chapter 6.28
SALE OF RENTAL FACILITIES—NOTICE AND, DISCLOSURE AND INSPECTION
REQUIREMENTS*

Sections:

- 6.28.010 Contract of sale requirements.
- 6.28.020 Point of sale reinspection requirement.
- 6.28.030 Compliance documents.
- 6.28.040 Reliance on City or point of sale inspection reports and compliance documents.
- 6.28.050 Transfer of rental license.^[SD1]

* Legislative History: Ord. No. 1999-41, 1/1/2000.

Editor's Note: The title of Ch. 6.28 was amended by Ord. 2007-8.

6.28.010 Contract of sale requirements.

A. On or before entering into a contract for the sale of a rental facility, the owner or agent of the rental facility shall provide the prospective purchaser with the following:

1. A Notice of City of Takoma Park rental housing laws ("Notice"), a -inform of which shall be -provided by the City and containing such information as necessary to administer and enforce the provisions of this chapter shall be included in or attached to all contracts of sale for a rental facility; accordance with subsection (H) of this section;

2. Copies of the annual rent stabilization reports for the rental facility for the previous 2two years (see Section 6.20.050080) unless the rental facility is exempt from rent stabilization in accordance with Takoma Park City Code, Chapter 6.20 – Rent Stabilization and a Certificate of Exemption is attached to the contract of sale in accordance with paragraph F of this section; and

3. Copies of available all rental licensing inspection reports of the rental facility ("inspection reports") for the previous 2-two years.

B. At the time the Notice and documents listed in subsection (A) of this section are delivered, each purchaser shall sign and date a written acknowledgment of receipt of the Notice and shall initial each inspection report and annual rent stabilization report and inspection report. The Notice shall be included in or attached to the contract of sale for the rental facility and the reports shall be attached to the contract of sale.

C. A purchaser of a rental facility has the right, upon written Notice to the seller or seller's agent:

1. To rescind the contract of sale at any time before the receipt of the Notice, rent reports, and licensing -inspection reports or within 5five calendar -days following receipt of the Notice, rent stabilization reports, and licensing inspection reports of the rental facility; and

2. To the immediate return of any deposits made on account of the contract of sale.

D. Unavailability of Rent Stabilization or Licensing Inspection Reports—Failure to Provide Reports.

1. If the owner or agent of the rental facility has not filed all required rent stabilization reports with the City, or has filed rent stabilization reports with inaccurate or incomplete information, or a ~~rental housing~~ licensing inspection has not been completed, ~~then~~ the owner or agent of the rental facility shall promptly file or correct ~~all~~ required rent reports and/or provide ~~access to~~ the purchaser with access to the rental facility for purposes of performing a pre-purchase rental licensing inspection or reinspection. ~~In such event, the owner or agent of the rental facility shall notify the purchaser of the nonavailability or inaccuracy of the rent report(s) and/or rental licensing inspection reports for the rental facility and shall provide copies inspection. Copies~~ of such reports or corrected reports shall be provided to the purchaser as soon as the rent stabilization reports are prepared and filed with the City.

2. The purchaser's right to rescind the contract shall continue until the owner or agent of the rental facility has provided the required Notice and complete and accurate rent stabilization reports ~~and rental licensing inspection reports for the rental facility~~ to the purchaser. In the event that settlement on the transfer of title to the rental facility has occurred, then the purchaser may seek an order from a court of competent jurisdiction declaring any transfer in which the owner or agent has not complied with all requirements of this chapter void and the transfer documents set aside.

E. Waiver of Purchaser's Rights.

1. The rights of a purchaser under this section may not be waived in the contract of sale and any attempted waiver is void.

2. Except as stated in subsection (D) of this section, any rights of a purchaser who has received the Notice and complete and accurate ~~annual~~ rent stabilization reports and available rental housing licensing inspection reports for the 2two years immediately preceding the sale to terminate the contract of sale for the rental facility are waived conclusively if not exercised before settlement on the transfer of title to the purchaser.

F. If a rental facility is exempt from rent stabilization, then a certification of exemption from the City of Takoma Park shall be attached to the contract of sale. The owner or agent shall not be required to provide copies of the ~~annual~~ rent stabilization reports for a rental facility that is not subject to rent stabilization and the purchaser shall not have the right to terminate the contract of sale for failure to receive copies of the annual rent reports for the previous 2two years.

G. The Notice ~~, and disclosure, and inspection requirements~~ disclosure requirements established by this chapter do not apply to:

1. A sheriff's sale, tax sale, deed in lieu of foreclosure, or sale by foreclosure, partition, or by court-appointed trustee;

2. A transfer of the rental facility by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship or trust;

3. A transfer of the rental facility or any interest therein, to a spouse, former spouse, domestic partner, former domestic partner, parent, sibling, child or grandchild; or

4. A transfer of a single-family rental facility to a purchaser who stipulates in the contract of sale that the property will not be used for rental purposes. It will be the responsibility of the purchaser of the single-family rental facility to notify the City, within 15 working business days after transfer of title to the property, of the discontinuance of use of the property as a rental facility.

~~H. Except as provided in subsection (G) of this section, the following Notice shall be included in or attached to all contracts of sale for a rental facility:~~

~~CITY OF TAKOMA PARK, MARYLAND~~

~~NOTICE OF RENTAL HOUSING LAWS~~

~~This Notice is attached to and made a part the Contract dated _____, between the undersigned Seller and Purchaser for the sale and purchase of residential rental property located at _____, Takoma Park, Maryland. The City of Takoma Park strongly encourages prospective purchasers to familiarize themselves with the City laws and regulations regarding rental housing before purchasing any property that is used as residential rental housing. These laws include the following:~~

~~1. Tenant Opportunity to Purchase (Takoma Park Code, Chapter 6.32). Before a Seller may go to settlement on the sale of a rental facility, the Seller must give the tenants an opportunity to purchase the rental facility. All contracts for the sale of the rental facility are subject to the rights of the tenant(s) or tenant association to purchase the rental facility in accordance with Chapter 6.32.~~

~~2. Rent Stabilization (Takoma Park Code, Chapter 6.20). The rent stabilization law restricts rent increases for residential rental units. The Seller is required to provide the Purchaser with copies of the two most recent annual Rent Reports for the rental facility, which must be initialed by the Purchaser and attached to the Contract of Sale. City law does not permit a landlord to increase the rents for the rental facility above the annual rent stabilization allowance without an order from the Commission on Landlord-Tenant Affairs. Neither the price paid for the rental facility, nor the financing terms, are considered in a landlord's petition to increase the rents for the rental facility above the annual rent stabilization allowance.~~

~~3. Rental Housing Licenses (Takoma Park Code, Chapter 6.08). All rental facilities must be inspected for compliance with the Property Maintenance Code and licensed. The Seller is required to provide the Purchaser with copies of the two most recent Rental Housing Licensing Inspection Reports for the rental facility, which must be initialed by the Purchaser and attached to the Contract of Sale.~~

~~4. Landlord-Tenant Relations (Takoma Park Code, Chapter 6.16). In addition to the applicable state landlord-tenant laws, the City of Takoma Park has supplemental laws regulating the landlord-tenant relation, including minimum lease term and lease renewal requirements, restrictions on~~

~~allowable pet and other fees that may be charged to a tenant, and a Commission on Landlord-Tenant Relations, which hears complaints of landlord-tenant violations and appeals from rent increase petition decisions. Additional information is available upon request from the City of Takoma Park Department of Housing and Community Development at (301) 891-7119 or at www.takomaparkmd.gov.~~

~~A Purchaser has the unconditional right, upon written notice to the Seller or Seller's agent, to rescind the contract of sale and to the immediate return of any deposit at any time within five (5) days following receipt of this Notice and receipt of copies of the annual Rent Reports* and Rental Housing Licensing Inspection Reports for the rental facility for the two years immediately preceding the sale. The right of a Purchaser, who has received this Notice and complete and accurate Rent Reports* and Inspection Reports, to rescind the contract of sale terminates if not exercised before settlement on the transfer of title to the rental facility.~~

~~* If the rental facility is exempt from rent stabilization, then a Certificate of Exemption from the City of Takoma Park must be attached to the contract of sale and copies of the annual Rent Reports do not need to be provided to the Purchaser.~~

~~THIS NOTICE IS REQUIRED BY THE CITY OF TAKOMA PARK TO PROVIDE GENERAL INFORMATION ABOUT THE CITY'S RENTAL HOUSING LAWS AND REQUIREMENTS AND IS NOT INTENDED TO PROVIDE SPECIFIC LEGAL OR INVESTMENT ADVICE.~~

~~Seller:_____ Date:_____~~

~~Print~~

~~Name:_____~~

~~Seller:_____ Date:_____~~

~~Print Name:_____~~

~~PURCHASER ACKNOWLEDGES RECEIPT OF THIS NOTICE, COPIES OF RENTAL HOUSING LICENSING INSPECTION REPORTS FOR YEARS _____ AND _____, AND COPIES OF THE ANNUAL RENT REPORTS* FOR YEARS _____ AND _____ FOR THE PROPERTY LOCATED AT _____, TAKOMA PARK, MARYLAND.~~

~~Purchaser:_____ Date:_____~~

~~Print~~

~~Name:_____~~

~~Purchaser:_____ Date:_____~~

~~Print~~

~~Name:_____~~

~~(Ord. 2007-8, 2007: Ord. 2003-7 § 1 (part), 2003: prior code § 6-700)~~

~~6.28.020 Point of sale reinspection requirement.~~

~~A.—In the event that settlement on the transfer of the title to the rental facility has not occurred within 6 months after the date of the last City inspection report for rental facilities on the annual inspection program, or within 18 months after the date of the last City inspection report for rental facilities on the biennial inspection program, then the owner or agent shall obtain a point of sale inspection of the rental facility. The point of sale inspection report shall be delivered to the prospective purchaser before title to the rental facility is transferred to the purchaser. Application for a point of sale inspection of the rental facility shall be made by the owner, or an agent for the owner, to the City's code enforcement office.~~

~~B.—The fee for a point of sale inspection under this chapter shall be the same as the rental license and inspection fee established by Section 6.08.030. The fee shall be paid at the time the application for a point of sale inspection of the rental facility is filed with the City.~~

~~C.—The following schedule for issuing a point of sale inspection report shall be followed, except where a longer period is required because of the number of rental units in the rental facility or other causes beyond the reasonable control of the City.~~

~~1.—Within 15 working days after receipt of the completed application form and required inspection fee, a point of sale inspection of the rental facility and premises and all rental units therein shall be made and an inspection report issued. If entry to the rental facility is denied or access to interior non-public interior areas is restricted so as to limit or impair an inspection, then the time for issuing the point of sale inspection report shall be extended by such reasonable time as is needed in order for permission for entry to be obtained or a warrant authorizing entry to be procured.~~

~~2.—The point of sale inspection report shall include the name and address of the property owner, the license number for the rental facility, the street address or other description of the rental facility sufficient for identification, and shall list all known violations of the Property Maintenance Code (Chapter 6.12 of this Code, as amended from time to time) based on the code enforcement officer's visual inspection of the rental facility and premises and all rental units in the facility. The point of sale inspection report also shall include a correction order allowing a reasonable time for the performance of repairs and improvements necessary to bring the rental facility into compliance with the provisions of the Property Maintenance Code. The provisions of the City's Property Maintenance Code, including the violations and penalties provision thereof, as amended from time to time, shall apply to point of sale inspections under this chapter.~~

~~D.—If the property owner does not correct all Property Maintenance Code violations listed on the point of sale inspection report prior to the time title to the rental facility is transferred to the purchaser, then the purchaser of the rental facility shall be required to correct the violations contained in the inspection report within the time given in the correction order on the inspection report given to the prior owner as that time may be extended by the City's code enforcement office for good cause shown.~~

~~E.—Nothing in this chapter shall be construed as limiting or restricting the City, at any time, from proceeding against the owner of the rental facility to require the correction of~~

~~Property Maintenance Code and any other violations existing at the rental facility or to issue and enforce citations for violations of City and any other applicable laws and regulations. (Ord. 2003-7 § 1 (part), 2003: prior code § 6-701)~~

~~6.28.030 Compliance documents.~~

~~A.— At the request of the owner or agent of a rental facility, the City may issue a letter or other written document stating that the violations listed on a specific City or point of sale inspection report have been corrected to the City's satisfaction, when, in fact, all such violations have been corrected.~~

~~B.— At the request of the owner or agent of a rental facility, the City may issue a letter or other written document stating that some, but not all, of the violations listed on a specific City or point of sale inspection report have been corrected to the City's satisfaction. (Ord. 2003-7 § 1 (part), 2003: prior code § 6-702)~~

~~6.28.040 Reliance on City or point of sale inspection reports and compliance documents.~~

~~A.— City and point of sale inspections are visual checks of the rental facility based on the City's Property Maintenance Code. In issuing a City or point of sale inspection report, the City does not represent, insure, warrant, or guarantee to the owner or agent of the rental facility, or to any purchaser, agent, attorney, lender, title or property insurer of the facility, or to any of the respective heirs, successors or assigns, that such inspection report includes all of the violations of the City's Property Maintenance Code existing in the rental facility at the time of inspection. The City's failure to list a violation on an inspection report is not a warranty or guaranty that the violation does not or did not exist at the rental facility.~~

~~B.— In issuing a compliance letter or document under the provisions of this chapter, the City does not thereby insure, warrant or guarantee the quality of the repair or the standard of the work completed in the correction of any violations listed on a City or point of sale inspection report. Such compliance letter or document should be construed only as a statement by the City that some or all of the violations listed on the City or point of sale inspection report have been corrected to the City's satisfaction as of the date of the compliance letter or document. (Ord. 2003-7 § 1 (part), 2003: prior code § 6-703)~~

6.28.050 Transfer of rental license.

A purchaser, transferee or owner of a rental facility shall apply to the City for a rental housing license, or for the transfer of the existing rental housing license, for the rental facility within 15 working-calendar days after acquiring title to the rental facility. The procedures and requirements for rental licenses are set forth in Chapter 6.08 of this Code, as amended from time-to-time. (Ord. 2003-7 § 1 (part), 2003: prior code § 6-704)