

ORDINANCE TO AMEND CHAPTER 11 OF THE GREENSBORO CODE OF  
ORDINANCES WITH RESPECT TO PERIODIC INSPECTIONS OF RESIDENTIAL  
DWELLING UNITS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

**Section 1.** Section 11-2 of Chapter 11, Housing Code, is hereby amended as follows:

Sec. 11-2. - Definitions.

\* \* \* \*

~~Verified violation means a violation becomes a verified violation only when the violation, as stated in the order to repair, is not corrected/repared within the time frame allowed by the inspector or the director.~~

\* \* \* \*

**Section 2.** Section 11-38 of Chapter 11, Housing Code, is hereby amended as follows:

Sec. 11-38. - Inspections.

- (a) It shall be the duty of the inspector diligently to examine buildings, dwellings, units, and accessory structures located in the city especially in those portions of the city where the conditions described in section 11-3 exist for the purpose of locating and taking action with respect to such buildings, dwellings, units, and structures as appear to be unfit for human habitation. Reasonable cause to inspect means any of the following:
- (1) There has been a complaint that substandard conditions exist within the building or dwelling unit;
  - (2) There has been a request that the building or dwelling unit be inspected;
  - (3) The inspection department has actual knowledge of an unsafe condition within the building and/or dwelling unit;
  - (4) Violations of the local ordinances or codes are visible from the outside of the property; or ~~and~~
  - (5) ~~The owner has a history of more than two (2) uncured verified violations of the housing ordinances or codes within a twelve month period~~ As defined in section 11-40.

(Code 1961, §§ 10-14(b), 10-17; Ord. No. 89-58, § 1, 4-27-89; Ord. No. 05-122, § 6, 6-7-05; Ord. No. 13-104, § 1, 7-16-13; Ord. No. 15-0110, § 1, 9-1-15)

**Section 3.** Section 11-40 of Chapter 11, Housing Code, is hereby amended as follows:

Sec. 11-40. - Periodic inspections for hazardous or unlawful conditions ~~of residential rental dwelling units.~~

- (a) The inspection department may make periodic inspections, subject to the council's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in ~~residential rental buildings and/or rental dwelling units~~ or structures within its territorial jurisdiction. However, when the inspection department determines that a safety hazard exists in one of the dwelling units within a multifamily building, which in the opinion of the inspector poses an immediate threat to the occupant, the inspection department may inspect, in the absence of a specific complaint and actual knowledge of the unsafe condition, additional dwelling units in the multifamily building to determine if the same safety hazard exists. The inspection department may make periodic inspections ~~of residential buildings and dwelling units only~~ when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in ~~a residential rental buildings or structured dwelling units~~. For purposes of this section, the term "reasonable cause" means any of the following: (i) the property has a history of more than four verified violations of the housing ordinances or codes within a rolling 12-month period; (ii) there has been a complaint that substandard conditions exist within the building or dwelling unit; or (iii) there has been a request that the building or dwelling unit be inspected; (iii) the inspection department has actual knowledge of an unsafe condition within the building; (iv) violations of the local ordinances or codes are visible from the outside of the property; and (v) ~~the owner has a history of more than two (2) uncured verified violations of the housing ordinances or codes within a twelve month period.~~ In conducting inspections authorized under this section, the inspection department shall not discriminate between single-family and multifamily buildings or between owner-occupied and tenant-occupied buildings. In exercising this power, members of the department shall have a right to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspections or other enforcement action, upon presentation of proper credentials. Owners with rental dwelling units and residential rental buildings found to be in violation of the housing code shall be given the opportunity to cure the violation. Owners of rental dwelling units and residential rental buildings in which all of the violations are cured within the time frame stated in the violation notice or in any extension periods granted by city shall not be deemed to have an uncured verified violation for purposes of this section; however, where all of the violations are not cured within the time frame stated in the violation notice, (including any extensions granted by city) the owner is deemed to have an uncured verified violation, (e.g., a property with six (6) violations and the owner cures all six (6) within the time given by the inspector does not become an uncured verified violation, whereas a property with six (6) violations and the owner only cures five (5) within the time frame, including any extension given by the inspector, with the maximum amount of inspector time being ninety (90) days total including all extensions, becomes an uncured verified violation.) Requests for additional time for repairing violations may be granted by the ~~city director of the department of neighborhood development or his/her designee.~~ Approval will be granted at the discretion of the director or the designee. The request must be made during the time frame for making all repairs as stated in the original violation notice including any granted extensions. The request must be made in writing, must state the reasons for the extension and must include any appropriate written documentation to support the request. The grant of any extensions, either by an inspector or by the director of the department of neighborhood development or his/her designee

~~shall be in writing and must state the cause and conditions of the extension and the amount of time allowed by the extension.~~ Nothing in this section shall be construed to prohibit periodic inspections in accordance with state fire prevention code or as otherwise required by state law.

- (b) ~~The City of Greensboro may levy a fee for residential rental property registration under this section for those rental dwelling units which have been found with more than five (5) verified violations of local ordinances within the previous twelve (12) months. The fee shall be set by the director of neighborhood development in an amount that covers the cost of operating a residential registration program and shall not be used to supplant revenue in other areas.~~ [Reserved]

- (c) The City may not (i) require any owner or manager of rental property to obtain any permit or permission from the City to lease or rent residential real property or to register rental property with the City, except for those individual rental units that have either more than four verified violations in a rolling 12-month period or two or more verified violations in a rolling 30-day period; (ii) require that an owner or manager of residential rental property enroll or participate in any governmental program as a condition of obtaining a certificate of occupancy; (iii) levy a special fee or tax on residential rental property that is not also levied against other commercial and residential properties, unless expressly authorized by general law or applicable only to an individual rental unit or property described in subdivision (i) of this subsection and the fee does not exceed five hundred dollars (\$500.00) in any 12-month period in which the unit or property is found to have verified violations; (iv) provide that any violation of a rental registration ordinance is punishable as a criminal offense; or (v) require any owner or manager of rental property to submit to an inspection before receiving any utility service provided by the City. For purposes of this section, the term “verified violation” means all of the following:

- (1) The aggregate of all violations of housing ordinances or codes found in an individual rental unit of residential real property during a 72-hour period.
- (2) Any violations that have not been corrected by the owner or manager within 21 days of receipt of written notice from the city of the violation. Should the same violation occur more than two times in a 12-month period, the owner or manager may not have the option of correcting the violation. If the housing ordinance or code provides that any form of prohibited tenant behavior constitutes a violation by the owner or manager of the rental property, it shall be deemed a correction of the tenant-related violation if the owner or manager, within 30 days of receipt of written notice of the tenant-related violation, brings a summary ejectment action to have the tenant evicted.

~~The provisions of this section shall not apply to: (i) transient occupancy in hotel, motel, apartments or similar lodging subject to regulation by the commission for public health or other governmental agency, or (ii) rentals less than thirty (30) days.~~

- (d) If the City takes action against an individual rental unit under this section, the owner of the individual rental unit may appeal the decision to the Minimum Housing Standards Commission. The Commission shall fix a reasonable time for hearing appeals, shall give due notice to the owner of the individual rental unit, and shall render a decision within a reasonable time. The Commission may reverse or affirm the action, wholly or partly, or may modify the action appealed from, and may make any decision and order that in the opinion of the Commission ought to be made in the matter.

(Ord. No. 13-104, § 1, 7-16-13; Ord. No. 15-0110, § 1, 9-1-15)  
State Law reference—Similar provisions, G.S. § 160A-424.

**Section 4.** That this ordinance shall become effective upon adoption.