

City of Greensboro, North Carolina
Chapter 11 Housing Code
Healthy Homes Provisions

ARTICLE I. IN GENERAL

Sec. 11-1. How chapter known and cited.

This chapter shall be known as the "Minimum Housing Code," may be cited as such, and will be referred to herein as "this chapter."

Sec. 11-2. Definitions.

Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the inspector.

Infestation means the presence, within or around a dwelling, of any harmful insects, rodents or other pests.

Inspector means the superintendent of building inspections and any other employee of the city in the building inspection division who is designated by the superintendent of building inspections to enforce the provisions of this chapter.

Sagging means the amount of deflection occurring over a span between two (2) supports. A deflection of 1/240 shall be deemed as a structural defect.

Seriously means that the amount of damage occurring shall be sufficient to decrease the designed strength of the structural member.

Substandard residential building means any building, including any dwelling unit, guest room, or suite of rooms or the premises on which the same is located, or portion thereof, which do not meet the minimum requirements of this chapter.

Unfit for human habitation means any of those certain conditions that exist as set forth under section 11-10.

Sec. 11-3. Findings of fact.

The city council hereby finds and declares that there exist within the city limits residential buildings and accessory structures which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, and other conditions rendering such buildings unsafe or unsanitary, or dangerous, or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents within the city, and that public necessity exists to exercise the police powers of the city to cause the repair and rehabilitation, closing or demolishing of such buildings and structures in the manner provided in this chapter.

The city council further finds that there exists within the city limits non-residential buildings and structures that appear to be vacant or abandoned and to the building inspector appear to be in such a

City of Greensboro, North Carolina
Chapter 11 Housing Code
Healthy Homes Provisions

dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities which would constitute a public nuisance.

Sec. 11-4. Purpose.

The purpose of this chapter is to arrest, remedy, and prevent the decay and deterioration of places of habitation and to eliminate blighted neighborhoods by providing minimum requirements for places of habitation for the protection of the life, health, welfare, safety, and property of the general public and the owners and occupants of places of habitation.

Additionally, the purpose of this chapter is to arrest, remedy, and prevent the decay and deterioration of non-residential buildings and structures for the protection of life, health, welfare, safety and property of the general public and the owners and occupants of non-residential buildings and structures.

Sec. 11-5. Scope.

The provisions of this chapter are applicable to all residential buildings and accessory structures within the city limits, as now or hereafter fixed. Demountable buildings or structures, when used for or intended for the use of human habitation, shall be subject to the applicable provisions of this chapter.

The provisions of this chapter shall apply to all non-residential buildings and structures within the city limits as now or hereinafter fixed.

Sec. 11-7. General owner responsibilities.

An owner remains liable for violations of duties imposed upon him by this chapter even though:

- (1) An obligation is also imposed on the occupants.
- (2) The owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this chapter.

Sec. 11-8. Owner's responsibility for safety of occupants.

- (a) In order to protect the health and safety of occupants of a building the owner shall, within forty-eight (48) hours after being notified in writing, repair any broken, burst, frozen or inoperable plumbing pipe or fixtures.
- (b) In order to protect the life and safety of occupants of a building the owner shall, within forty-eight (48) hours after being notified in writing, repair any exposed or unsafe wiring.
- (c) In order to protect the life and safety of occupants of a building, the owner shall, within forty-eight (48) hours after being notified in writing, repair or replace any unsafe and/or dangerous cooking or heating equipment provided by the owner.

City of Greensboro, North Carolina
Chapter 11 Housing Code
Healthy Homes Provisions

(d) In order to protect the life and safety of occupants of a building, the owner shall, within forty-eight (48) hours after being notified in writing, repair or replace fuel storage tanks and/or supply lines provided by the owner which are leaking, improperly supported or dangerous.

Sec. 11-9. General duties of occupants.

(a) Every occupant of a dwelling unit or an apartment shall:

- (1) Keep that part of a dwelling unit or an apartment which he occupies and controls in a clean and sanitary condition.
- (2) Keep all required plumbing and other fixtures in a clean and sanitary condition, and exercise reasonable care in the use and operation thereof.
- (3) Be responsible for the extermination of any insects, rodents, or other pests whenever said dwelling unit or apartment is the only one in the residential building infested and the owner has provided a reasonably insect-proof and adequate rodent-proof building.
- (4) Dispose of all garbage and other refuse in an approved garbage receptacle; when approved garbage receptacles are not provided by the landlord, it shall be the responsibility of the occupant to provide adequate approved garbage receptacles.
- (5) Not place on the premises any material which causes a fire hazard or otherwise endangers the health or safety of any occupants of such building; not place in storage or on the premises any furniture, auto parts, junk, equipment, or material which harbors insects, rodents, or other pests.
- (6) Maintain fuel storage tanks and their supports which are furnished by the occupant in a safe and nonhazardous condition; not alter, change or cause damage to existing fuel storage tanks or their supports so as to make the same unsafe or dangerous.
- (7) Not occupy any dwelling unit unless running water is provided to the required plumbing fixtures.
- (8) Not place within any structure for use therein any oil-or gas-fired portable or nonvented cook-stove or heater.
- (9) Not place on the premises for the use thereon any heating or cooking unit which constitutes a serious fire hazard.
- (10) Cause such damage to the dwelling unit or apartment let to him as to make the same unfit for human habitation.

(b) Upon discovering a violation of subsection (a), the inspector shall, based upon the standards set forth under section 11-10, have the power to order the correction of any such violations within forty-eight (48) hours from date of notice thereof. In the event that the occupant fails to make such corrections, then the inspector shall set a hearing pursuant to the procedures of section 11-39, subsection (a) and, thereafter may again order the correction of any such violations within forty-eight (48) hours from date of service of the order upon the occupant. In the event that the occupant still fails to make such

City of Greensboro, North Carolina
Chapter 11 Housing Code
Healthy Homes Provisions

corrections, then the inspector may order the building to be vacated within a reasonable time. The inspector may pursue any other civil or criminal action as he deems reasonably necessary in order to effectuate the purposes of this chapter.

Sec. 11-10. Conditions rendering residential buildings unfit for human habitation and declaration of unsafe non-residential building or structure.

(a) The inspector shall determine that a residential building is unfit for human habitation if he finds that any of the following conditions exist in such building:

- (1) Interior walls or vertical studs which seriously list, lean, or buckle to such an extent as to render the building unsafe.
- (2) Supporting members or members which show thirty-three (33) percent or more of damage or deterioration, or nonsupporting, enclosing or outside walls or covering which show fifty (50) percent or more of damage or deterioration.
- (3) Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purposes used.
- (4) Such damage by fire, wind, or other causes as to render the building unsafe.
- (5) Dilapidation, decay, unsanitary conditions, or disrepair which is dangerous to the health, safety, or welfare of the occupants or other people in the city.
- (6) Inadequate facilities for egress in case of fire or panic.
- (7) Defects significantly increasing the hazards of fire, accident, or other calamities.
- (8) Lack of adequate ventilation, light, heating, or sanitary facilities to such extent as to endanger the health, safety, or general welfare of the occupants or other residents of the city.
- (9) Lack of proper electrical, heating or plumbing facilities required by this chapter which constitutes a health or a definite safety hazard.

(b) Irrespective of the above, a residential dwelling unit shall be construed by the inspector to be unfit for human habitation, and he shall so find if such dwelling unit contains more than five (5) separate types of violations of any of the minimum standards set forth in this chapter.

(c) An inspector may declare a non-residential building or structure to be unsafe if it appears to the inspector to be vacant or abandoned, and it appears to be in such a dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities which would constitute a public nuisance.

Sec. 11-11. Damaging or removal of permanent fixtures.

No person shall damage, mutilate, or remove, nor shall any person suffer, permit, or cause to be damaged, mutilated, or removed any permanent fixtures from any dwelling unit.

City of Greensboro, North Carolina
Chapter 11 Housing Code
Healthy Homes Provisions

Sec. 11-39.1. Requirements for closing and securing substandard buildings.

(a) Every building required to be closed by order of the housing inspector or minimum housing standards commission pursuant to section 11-39 or 17-29 of this Code shall be closed in accordance with the standards and requirements for closing buildings duly adopted by the Greensboro City Council on the 14th day of November, 1991, and incorporated herein by reference. A copy of the standards and requirements for closing buildings shall be kept in the office of the city clerk and superintendent of building inspections.

(b) Any building closed pursuant to an order of the housing inspector or minimum housing standards commission must be maintained closed and secure by the owner. If the order of the housing inspector or minimum housing standards commission to close and secure a building is complied with by the owner thereof, and thereafter the building is unlawfully opened, the inspector shall serve the owner with an order to reclose and secure the building within thirty (30) days after service of the order. Any owner who fails to comply with an order to reclose and secure a building within the time required under the order, shall be subject to civil and criminal penalties prescribed by this chapter.

Sec. 11-40. Rental unit certificate of occupancy.

(a) In addition to those conditions set forth in subsections 11-40(a) and (c) of this chapter, it shall be unlawful for any owner or the agent of any owner to rent or offer for rent as a dwelling any vacant structure or part thereof upon which an order to repair, alter or improve, or to vacate and close, has been issued and is outstanding without said owner or agent first filing application for and securing a rental unit certificate of occupancy from the building inspector.

Existing rental units otherwise in compliance with prior building codes may continue to be rented and may be issued a rental unit certificate of occupancy by the city following an initial, no fee, inspection by the building inspection department determining compliance with the 2000 International Property Maintenance Code.

With regard to new construction, the building inspector shall inspect the rental unit and shall issue a rental unit certificate of occupancy, with no initial fee, if the rental unit is found to comply with the conditions set forth in the 2000 International Property Maintenance Code as adopted and made part of this chapter. If the unit is found to be out of compliance, no rental unit certificate of occupancy shall issue until the owner meets the minimum requirements set forth in this chapter. When, after examination and inspection, it is found that the repairs, alterations and improvements have been made (in accordance with the 2000 International Property Maintenance Code) and that the structure conforms with the provisions of this chapter a rental unit certificate of occupancy shall be issued.

The owner shall have an initial period of three and one-half (3 1/2) years from the date of implementation of this section, (January 1, 2004), to bring the rental unit into compliance with this chapter, however, as of July 1, 2007 all rental units must have a rental unit certificate of occupancy or a certificate of sample compliance as provided for in subsection (b) below before the unit may be offered for rent.

City of Greensboro, North Carolina
Chapter 11 Housing Code
Healthy Homes Provisions

Rental unit certificates of occupancy shall be valid for a period of five (5) years from the date of issuance. If no violations are reported and confirmed within this period then a renewal rental unit certificate of occupancy shall be issued, with no fee, after the satisfactory completion of a sampling of the units to be renewed. If during the five-year period violations are reported and confirmed per subsection 11-10(b), repairs must be made within a thirty-day period following confirmation. Failure to repair in thirty (30) days will result in revocation of the rental certificate of occupancy and the imposition of a two hundred fifty dollars (\$250.00) fee per unit for re-inspection and issuance of a new certificate. If a second violation is reported and confirmed for the unit within twelve (12) months of the first confirmed violation, repairs must be made within a thirty-day period following confirmation, then a renewal fee of five hundred dollars (\$500.00) per unit confirmed to be in violation shall be charged and paid before the rental unit certificate of occupancy will be issued. Upon the reporting and confirmation of the third violation, within twelve (12) months of the first violation, repairs must be made within a thirty-day period, and the fee will revert to a daily fine of twenty-five dollars (\$25.00) per day in addition to the five hundred dollar (\$500.00) fee required to obtain a new certificate.

Exemption(s):

- (1) Thirty-day rentals or less (e.g., furniture market rentals).
- (2) Upon change of ownership, current certificate passes with the purchase or sale of property.
- (3) Property under contract for "lease/purchase" when the effective date of the lease purchase agreement does not exceed one hundred twenty (120) days.
- (4) Installment contract sales.

The building inspector shall maintain rental unit certificate of occupancy records for a period of twenty-five (25) years. Rental unit certificates of occupancy shall be reissued automatically if there have been no reported and confirmed violations for the unit in issue.

Current Section 8 certifications issued by the Greensboro Housing Authority shall be considered as rental unit certificates of occupancy for purposes of this section.

(b) When an owner requests and submits a multi-unit dwelling structure or an apartment complex on a single premise or campus with fifty (50) or more individual rental units to sampling inspection, a certificate of sample compliance authorizing occupation shall be issued for the structure or complex if it passes the sampling inspection. If the structure or complex fails the initial sampling inspection, subsequent inspections may be allowed in accordance with the standard sampling procedure and in the discretion of the RUCO Appeals and Advisory Board.

A certificate of sample compliance permits all individual units in the structure or complex to be occupied for the period of time stated on the certificate, exempting the owner from the requirement that each unit be physically inspected and issued a rental unit certificate of occupancy prior to renting or offering to rent. The owner of a multi-unit dwelling structure or an apartment complex on a single premise or campus for which a certificate of sample compliance is issued must cause the certificate to be conspicuously posted at all times.

A sampling inspection occurs when the building inspector inspects a pool of representative units in the structure or complex using a standard sampling procedure approved by the superintendent of building

City of Greensboro, North Carolina
Chapter 11 Housing Code
Healthy Homes Provisions

inspections and the city manager in consultation with the RUCO Appeals and Advisory Board. A certificate of sample compliance is evidence that a representative sample of units in the structure or complex has been inspected without a finding of a major violation in any unit or without finding more than five (5) minor violations in any single unit and shall not be construed as a certification that any individual unit of a structure or complex has passed inspection. The issuance of a certificate of sample compliance does not exempt any unit in the structure or complex from physical inspection as otherwise provided for in Chapter 11 of this Code. If an inspection of an individual unit confirms a major violation or more than five (5) minor violations, a certificate of sample compliance may be revoked, thereby subjecting all individual units in the structure or complex to the requirement that each unit be physically inspected and issued a rental unit certificate of occupancy prior to renting or offering to rent, unless the violations are cured as provided for in Chapter 11 of this Code. If a certificate of sample compliance is revoked, the building inspector shall be required to inspect all units in the structure or complex within ninety (90) days of the revocation.

(c) An inspection fee of twenty-five dollars (\$25.00) shall be charged by the city for any type of courtesy inspection requested for a rental unit certificate of occupancy for the purpose of a loan closing. Multi-family rental units shall be charged an inspection fee of twenty-five dollars (\$25.00) per building for courtesy inspections. This subsection shall cease to exist and shall not apply after the implementation period of the rental unit certification program (forty-two (42) months after January 1, 2004).

(d) All laws and clauses of laws in conflict with the provisions of this section with regard solely to the issuance of rental unit certificates of occupancy are hereby repealed to the extent of such conflict. All other provisions of the Greensboro Housing Code shall remain in full force and effect.

(e) Nothing in this section or in the 2000 International Property Maintenance Code adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired, or existing, under any act or ordinance hereby repealed by this section, nor shall any legal right or remedy of any character be lost, impaired or affected by this section.

(f) *Advisory and appeals board.*

(1) There is hereby created a board to be known as the "rental unit certificate advisory board".

(2) The board shall be composed of fifteen (15) members serving three-year terms and representative of the following: Five (5) neighborhood associations (one (1) from each council district); one (1) council member, two (2) inspections staff; two (2) citizens at large; a representative of TAA; TREBIC; HCD; Greensboro Housing Coalition; Greensboro Neighborhood Congress. All members shall have one (1) vote except for staff appointments who shall serve in an advisory capacity and be appointed by the city manager to serve at his discretion.

(3) Members of the advisory board shall be appointed by the city council for terms to expire on January 1. Said terms shall be for three (3) years except for the council representative who shall be appointed for a one-year term. The board appointments shall be staggered with four (4) members of the initial board serving three (3) years; four (4) serving two (2) years and three (3) serving one (1) year. The clerk shall conduct a drawing to determine the terms of the initial board members.

City of Greensboro, North Carolina
Chapter 11 Housing Code
Healthy Homes Provisions

- (4) The powers and duties of the advisory board shall be as follows:
- a. Hear and determine appeals from decisions of the building inspector with regard to rental unit certificates of occupancy. All appeals shall be in compliance with G.S. § 160A-446 and all other applicable local, state and federal laws.
 - b. Make recommendations to city council on any changes to the rental unit certification ordinance.
 - c. Perform other duties as may be assigned to it from time to time by the city council.
- (5) Appeals from decisions of the advisory board shall be made to the minimum housing standards commission in the nature of certiorari.

(g) This section [as amended by Ordinance No. 03-113] shall become effective on and after January 1, 2004.

Sec. 11-42. Penalties for violations of housing code.

(a) Each violation of any provision of this chapter shall constitute a class 3 misdemeanor, punishable by a fine of not more than five hundred dollars or imprisonment of not more than twenty (20) days, as provided by North Carolina General Statutes, Section 14-4, as amended by Chapter 71 Session Laws of 1983 and Chapter 772 Session Laws of 1987.

(b) Any person who violates any provision of this chapter shall also be subject to a civil penalty of two hundred dollars (\$200.00) for the first violation. For each day the violation is not corrected, a penalty of seventy-five dollars (\$75.00) per day shall be imposed. Civil penalties assessed under this section are considered restorative; intended to provide compensation to the city for costs associated with the city's program to monitor, control, prosecute, cure and/or correct the violation. As such, the amount declared herein is presumed to provide sufficient restoration to the city for its costs.

The assessment of civil penalties herein is not intended to be an exercise of powers delegated to other agencies or entities created by the General Assembly to regulate the proscribed conduct.

The housing inspector shall not assess a civil penalty until the person alleged to be in violation has been notified of the violation by registered or certified mail, return receipt requested, by personal service, or other means reasonably calculated to give actual notice. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due after the date of the filing of a prior proceeding.

(c) Nothing in this section shall preclude the issuance of a criminal summons in lieu of or in addition to the civil penalty citation.

City of Greensboro, North Carolina
Chapter 11 Housing Code
Healthy Homes Provisions

ARTICLE III. MINIMUM STANDARDS*

Sec. 11-56. 2000 International Property Maintenance Code--Certain chapters and index adopted as minimum standards.

The following chapters and index of the 2000 International Property Maintenance Code, as copyrighted by the International Code Council, Inc. shall be applicable to those buildings and structures, residential and non-residential, as if fully set forth in this article, with any additions, insertions, deletions and changes, if any, prescribed in this article.

Chapter 3 General Requirements

Chapter 4 Light, Ventilation and Occupancy Limitations

Chapter 5 Plumbing Facilities and Fixture Requirements

Chapter 6 Mechanical and Electrical Requirements

Chapter 7 Fire Safety Requirements

Chapter 8 Referenced Standards

Index

Amendments to the International Property Maintenance Code which are adopted and published by the International Code Council, Inc., from time to time, shall be effective as to this Chapter 11 on the effective date prescribed by the International Code Council, Inc.

Sec. 11-56. Same--Amendments.

(a) The following chapter sections are hereby revised:

Section 302.4, Amend the section by deleting the entire section;

Section 303.14, Amend the section by deleting the phrase, "During the period from _____ to _____" and begin the section with the word "Every";

Section 305.2.1, Amend the section by adding to the end of the last sentence of the section the phrase, "unless otherwise required by a lease";

Section 402.2, Amend the section by inserting the phrase, "by natural light or", in lines 3 and 9 following the word, "times";

Section 505.4, Amend the section by deleting the word "less" from line 5 and inserting in its place the phrase, "not more than";

Section 602.3 Amend the section by deleting the phrase, "during the period from _____ to _____" from line 5; and

City of Greensboro, North Carolina
Chapter 11 Housing Code
Healthy Homes Provisions

Section 602.4 Amend the section by deleting the phrase, "during the period from _____ to _____" from lines 2 and 3.

(b) The following amendments are made to Chapter 8:

The last sentence of paragraph one, "The application of the referenced standards shall be as specified in Section 102.7" is deleted.

All references to Chapters 102 and 201 are hereby deleted.

The following paragraph is added to the chapter:

"All structures currently in compliance with all existing codes shall not be subject to the provisions of this Code until such time as they are found to be in violation of existing codes or are remodeled, up-fitted or renovated."