



Guiding principles

- Affordable *low risk for artists*
- De-regularize *minimum red tape*
- Regular and frequent *habit forming*
- Owned and monitored by stakeholders
- Stick to the goals *not all things to all people*
- Quality *cheap & easy – not cheap & nasty!*

Interior Rental Inspections and Current State Law Provisions

- Individual Property Inspections A.R.S. 9-1302
 - Conditions that materially affect health and safety
 - Significant level of crime
 - History of building code violations
 - Owner repeatedly fails to comply with building code enforcement requirements
 - Property not in compliance with building code (PC)
 - Complaint received or consent given by owner/tenant
- Must have written consent from owner or tenant

Interior Rental Inspections and Current State Law Provisions

- A.R.S. 9-1303 outlines 13 conditions that qualify as "Materially Affect Health and Safety"
 - Inadequate Sanitation
 - Structural Hazards
 - Non-conformance with Building or Fire Codes
 - Emergency Egress Hazards
 - Improper Occupancy

Exhibit A

9-1303. Material affect on health and safety of occupants

For the purposes of this chapter, a condition that materially affects the health and safety of the occupants of a residential rental dwelling unit includes any of the following conditions:

1. Inadequate sanitation, ventilation or space requirements, including the following:
 - (a) Lack of or inadequate water closets, lavatories, bathtubs or showers.
 - (b) Lack of a required kitchen sink or a kitchen sink that does not comply with the building code of the city or town in which the property is located.
 - (c) Lack of hot and cold running water to plumbing fixtures.
 - (d) Lack of adequate heating and cooling.
 - (e) Lack of or improper operation of required ventilating equipment or broken or missing windows or doors that create a hazardous condition or a potential attraction to trespassers.
 - (f) Lack of minimum amounts of natural light and ventilation as required by the building code.
 - (g) Inadequate room and space dimensions as required by the building code.
 - (h) Lack of required adequate electricity and lighting as required by the building code.
 - (i) Infestation of insects, vermin or rodents.
 - (j) Lack of connection to a sewage disposal system as required by the building code.
 - (k) Lack of adequate garbage and rubbish storage and removal facilities.
2. Structural hazards, including the following:
 - (a) Significantly deteriorated or inadequate foundations or foundation areas that are not provided with adequate drainage.
 - (b) Flooring or floor supports of insufficient size to carry imposed loads with safety.
 - (c) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
 - (d) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that significantly sag, split or buckle due to defective material or deterioration.
 - (e) Fireplaces or chimneys that list, bulge or settle due to defective material or deterioration or that are of insufficient size or strength to carry imposed loads with safety.
3. Hazardous wiring that does not conform with the building code or that has not been maintained in good condition, or both, and that is not being used in a safe manner.

4. Hazardous plumbing that does not conform with the building code or that has not been maintained in good condition, or both, and that is not free of cross-connections and siphonage between fixtures.
5. Hazardous mechanical equipment including vents that do not conform with the building code or that have not been maintained in good and safe condition and that are not working properly.
6. Faulty weather protection that may include:
 - (a) Significantly deteriorated, crumbling or loose plaster.
 - (b) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
 - (c) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 - (d) Broken, rotted, split or buckled exterior wall coverings or roof coverings.
7. Fire hazards or inadequate fire protection, including:
 - (a) Any building or portion of a building or any device, apparatus, equipment, combustible waste or vegetation that is not in compliance with the building code and that is in such a condition as to cause a fire or explosion or to provide a ready fuel to augment the spread and intensity of a fire or explosion arising from any cause.
 - (b) Any building or portion of a building that is not provided with fire-resistive construction or fire extinguishing systems or equipment required by the building code, except those buildings or portions of buildings that conformed with all applicable building code laws and that have fire-resistive integrity and fire extinguishing systems or equipment that has been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
 - (c) Lack of adequate fire detection systems as required by law.
8. Faulty materials or construction that is not specifically allowed or approved by the building code or that has not been adequately maintained in good and safe condition.
9. Hazardous or unsanitary premises, including those premises on which an accumulation of weeds, vegetation, refuse, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards.
10. Inadequate maintenance, including any building or portion of a building that is determined to be an unsafe building in accordance with the building code.
11. Unhealthy conditions, including any condition as defined in the building code that results in the failure to maintain minimum standards of sanitation, health or safety or that renders air, food or drink unwholesome or detrimental to health.
12. Inadequate exits, including all buildings or portions of a building that are not provided with adequate exit facilities as required by the building code and that

have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

13. Improper occupancy, including all buildings or portions of a building that are occupied for living, sleeping, cooking or dining purposes and that were not designed and permitted to be used for such occupancies, or that are occupied in excess of the maximum occupancy load allowed by any applicable provision of the building code or state law.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING TITLE 8, CHAPTER 6 OF THE MESA CITY CODE TO ESTABLISH AND IMPLEMENT AN INDIVIDUAL RESIDENTIAL RENTAL INSPECTION PROGRAM.

WHEREAS, it is the responsibility of the City Council to promote the health, safety and welfare of the citizens of Mesa, and to protect neighborhoods from hazardous, blighting and deteriorating conditions; and

WHEREAS, State law permits cities to establish a residential rental inspection program to conduct interior inspections of individual residential rental properties that meet specific criteria as identified in Arizona Revised Statutes, Title 9, Chapter 12 and Title 33, Chapter 17; and

WHEREAS, the citizens of Mesa voted to approve the implementation of an individual residential rental inspection program;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1: Section 8-6-2, Mesa City Code, which provides definitions for Title 8, Chapter 6 is hereby amended to add and modify definitions as follows:

BUILDING REGULATIONS: INCLUDES ALL CONSTRUCTION CODES THAT WERE IN FORCE AT THE TIME OF BUILDING CONSTRUCTION, INCLUDING PLUMBING AND MECHANICAL CODES, ELECTRICAL CODES, RESIDENTIAL CONSTRUCTION CODES, ENERGY CONSERVATION CODES AND EXISTING BUILDING CONSTRUCTION CODES (SUCH AS, BUT NOT LIMITED TO, THOSE SET FORTH IN TITLE IV, MESA CITY CODE) AND INCLUDES ANY PROPERTY MAINTENANCE CODES, NEIGHBORHOOD PRESERVATION CODES, ANTI-BLIGHT CODES (SUCH AS, BUT NOT LIMITED TO, THOSE SET FORTH IN THIS TITLE) OR OTHER SIMILAR CODES, HOWEVER DENOMINATED.

RESIDENTIAL RENTAL PROPERTY: Property that is used solely as leased or rented property for residential purposes. If the property is a space rental mobile home park or a recreational vehicle park, "residential rental property" includes the rental space that is leased or rented by the owner of that rental space but does not include the mobile home or recreational vehicle that serves as the actual dwelling if the dwelling is owned and occupied by the tenant of the rental space and not by the owner of the rental space. **THE TERM ALSO INCLUDES ANY PROPERTY DEFINED AS A RESIDENTIAL RENTAL DWELLING UNIT BY STATE LAW.**

SLUM PROPERTY: Residential rental property that has deteriorated or is in a state of disrepair and that manifests one (1) or more of the following conditions that are a danger to the health or safety of the public:

- (A) Structurally unsound exterior surfaces, roof, walls, doors, floors, stairwells, porches, or railings.
- (B) Lack of potable water, adequate sanitation facilities, adequate water, or waste pipe connections.
- (C) Hazardous electrical systems or gas connections.
- (D) Lack of safe, rapid egress.
- (E) Accumulation of human or animal waste, medical or biological waste, gaseous or combustible materials, dangerous or corrosive liquids, flammable or explosive materials, or drug paraphernalia.
- (F) **ANY OTHER CONDITION RECOGNIZED AS A BASIS FOR SLUM PROPERTY DESIGNATION BY STATE LAW.**

SECTION 2: Section 8-6-4 (A), "Authority to Inspect," Mesa City Code is amended to read:

- (A) The Mesa Building Safety Division or such other City division or department as the City Manager may designate is hereby authorized to make inspections for violations of this Chapter in the normal course of job duties or in response to a citizen complaint that an alleged violation of the provisions of this Chapter may exist or when there is a reason to believe that a violation of this Chapter has been or is being committed. **THE CITY MAY ALSO CONDUCT INSPECTIONS OF INDIVIDUAL RESIDENTIAL RENTAL PROPERTY IN ACCORDANCE WITH STATE LAW.**

SECTION 3: Title 8, Chapter 6, Article III, is hereby amended to add Section 8-6-19 as follows:

8-6-19: INDIVIDUAL RESIDENTIAL RENTAL INSPECTION

- A. **THE CITY MAY CONDUCT INTERIOR INSPECTIONS OF INDIVIDUAL RESIDENTIAL RENTAL PROPERTY IF AN EXTERIOR INSPECTION OF THE PROPERTY REVEALS OR IF THE PROPERTY IS FOUND TO HAVE ANY OF THE FOLLOWING:**

1. **CONDITIONS THAT MATERIALLY AFFECT THE HEALTH AND SAFETY OF THE OCCUPANTS (AS DEFINED IN SECTION B).**
2. **A SIGNIFICANT LEVEL OF CRIME ASSOCIATED WITH THE PROPERTY.**

3. A DOCUMENTED HISTORY OF VIOLATIONS OF BUILDING REGULATIONS.
 4. THE OWNER REPEATEDLY FAILS TO COMPLY WITH CODE ENFORCEMENT REQUIREMENTS IMPOSED BY THE CITY.
 5. THERE IS PROBABLE CAUSE THAT THE PROPERTY IS NOT IN COMPLIANCE WITH BUILDING REGULATIONS.
 6. A COMPLAINT IS RECEIVED FROM, OR CONSENT FOR THE INSPECTION IS GIVEN BY, THE OWNER, MANAGING AGENT, OR OCCUPANT.
- B. FOR THE PURPOSES OF THIS ARTICLE, A CONDITION THAT MATERIALLY AFFECTS THE HEALTH AND SAFETY OF THE OCCUPANTS OF A RESIDENTIAL RENTAL PROPERTY INCLUDES ANY OF THE FOLLOWING CONDITIONS:**
1. INADEQUATE SANITATION, VENTILATION OR SPACE REQUIREMENTS, INCLUDING THE FOLLOWING:
 - (A) LACK OF OR INADEQUATE WATER CLOSETS, LAVATORIES, BATHTUBS OR SHOWERS.
 - (B) LACK OF A REQUIRED KITCHEN SINK OR A KITCHEN SINK THAT DOES NOT COMPLY WITH BUILDING REGULATIONS.
 - (C) LACK OF HOT AND COLD RUNNING WATER TO PLUMBING FIXTURES.
 - (D) LACK OF ADEQUATE HEATING AND COOLING.
 - (E) LACK OF OR IMPROPER OPERATION OF REQUIRED VENTILATING EQUIPMENT OR BROKEN OR MISSING WINDOWS OR DOORS THAT CREATE A HAZARDOUS CONDITION OR A POTENTIAL ATTRACTION TO TRESPASSERS.
 - (F) LACK OF MINIMUM AMOUNTS OF NATURAL LIGHT AND VENTILATION AS REQUIRED BY BUILDING REGULATIONS.
 - (G) INADEQUATE ROOM AND SPACE DIMENSIONS AS REQUIRED BY BUILDING REGULATIONS.
 - (H) LACK OF REQUIRED ADEQUATE ELECTRICITY AND LIGHTING AS REQUIRED BY BUILDING REGULATIONS.
 - (I) INFESTATION OF INSECTS, VERMIN OR RODENTS.

(J) LACK OF CONNECTION TO A SEWAGE DISPOSAL SYSTEM AS REQUIRED BY BUILDING REGULATIONS.

(K) LACK OF ADEQUATE GARBAGE AND RUBBISH STORAGE AND REMOVAL FACILITIES.

2. STRUCTURAL HAZARDS, INCLUDING THE FOLLOWING:

(A) SIGNIFICANTLY DETERIORATED OR INADEQUATE FOUNDATIONS OR FOUNDATION AREAS THAT ARE NOT PROVIDED WITH ADEQUATE DRAINAGE.

(B) FLOORING OR FLOOR SUPPORTS OF INSUFFICIENT SIZE TO CARRY IMPOSED LOADS WITH SAFETY.

(C) MEMBERS OF WALLS, PARTITIONS OR OTHER VERTICAL SUPPORTS THAT SPLIT, LEAN, LIST OR BUCKLE DUE TO DEFECTIVE MATERIAL OR DETERIORATION.

(D) MEMBERS OF CEILINGS, ROOFS, CEILING AND ROOF SUPPORTS OR OTHER HORIZONTAL MEMBERS THAT SIGNIFICANTLY SAG, SPLIT OR BUCKLE DUE TO DEFECTIVE MATERIAL OR DETERIORATION.

(E) FIREPLACES OR CHIMNEYS THAT LIST, BULGE OR SETTLE DUE TO DEFECTIVE MATERIAL OR DETERIORATION OR THAT ARE OF INSUFFICIENT SIZE OR STRENGTH TO CARRY IMPOSED LOADS WITH SAFETY.

3. HAZARDOUS WIRING THAT DOES NOT CONFORM WITH BUILDING REGULATIONS OR THAT HAS NOT BEEN MAINTAINED IN GOOD CONDITION, OR BOTH, AND THAT IS NOT BEING USED IN A SAFE MANNER.

4. HAZARDOUS PLUMBING THAT DOES NOT CONFORM WITH BUILDING REGULATIONS OR THAT HAS NOT BEEN MAINTAINED IN GOOD CONDITION, OR BOTH, AND THAT IS NOT FREE OF CROSS-CONNECTIONS AND SIPHONAGE BETWEEN FIXTURES.

5. HAZARDOUS MECHANICAL EQUIPMENT INCLUDING VENTS THAT DO NOT CONFORM WITH BUILDING REGULATIONS OR THAT HAVE NOT BEEN MAINTAINED IN GOOD AND SAFE CONDITION AND THAT ARE NOT WORKING PROPERLY.

6. FAULTY WEATHER PROTECTION THAT MAY INCLUDE:

(A) SIGNIFICANTLY DETERIORATED, CRUMBLING OR LOOSE PLASTER.

(B) DETERIORATED OR INEFFECTIVE WATERPROOFING OF EXTERIOR WALLS, ROOF, FOUNDATIONS OR FLOORS, INCLUDING BROKEN WINDOWS OR DOORS.

(C) DEFECTIVE OR LACK OF WEATHER PROTECTION FOR EXTERIOR WALL COVERINGS, INCLUDING LACK OF PAINT, OR WEATHERING DUE TO LACK OF PAINT OR OTHER APPROVED PROTECTIVE COVERING.

(D) BROKEN, ROTTED, SPLIT OR BUCKLED EXTERIOR WALL COVERINGS OR ROOF COVERINGS.

7. FIRE HAZARDS OR INADEQUATE FIRE PROTECTION, INCLUDING:

(A) ANY BUILDING OR PORTION OF A BUILDING OR ANY DEVICE, APPARATUS, EQUIPMENT, COMBUSTIBLE WASTE OR VEGETATION THAT IS NOT IN COMPLIANCE WITH BUILDING REGULATIONS AND THAT IS IN SUCH A CONDITION AS TO CAUSE A FIRE OR EXPLOSION OR TO PROVIDE A READY FUEL TO AUGMENT THE SPREAD AND INTENSITY OF A FIRE OR EXPLOSION ARISING FROM ANY CAUSE.

(B) ANY BUILDING OR PORTION OF A BUILDING THAT IS NOT PROVIDED WITH FIRE-RESISTIVE CONSTRUCTION OR FIRE EXTINGUISHING SYSTEMS OR EQUIPMENT REQUIRED BY BUILDING REGULATIONS, EXCEPT THOSE BUILDINGS OR PORTIONS OF BUILDINGS THAT CONFORMED WITH ALL APPLICABLE BUILDING CODE LAWS AND THAT HAVE FIRE-RESISTIVE INTEGRITY AND FIRE EXTINGUISHING SYSTEMS OR EQUIPMENT THAT HAS BEEN ADEQUATELY MAINTAINED AND IMPROVED IN RELATION TO ANY INCREASE IN OCCUPANT LOAD, ALTERATION OR ADDITION, OR ANY CHANGE IN OCCUPANCY.

(C) LACK OF ADEQUATE FIRE DETECTION SYSTEMS AS REQUIRED BY LAW.

8. FAULTY MATERIALS OR CONSTRUCTION THAT IS NOT SPECIFICALLY ALLOWED OR APPROVED BY BUILDING REGULATIONS OR THAT HAS NOT BEEN ADEQUATELY MAINTAINED IN GOOD AND SAFE CONDITION.

9. HAZARDOUS OR UNSANITARY PREMISES, INCLUDING THOSE PREMISES ON WHICH AN ACCUMULATION OF WEEDS, VEGETATION, REFUSE, DEAD ORGANIC MATTER, DEBRIS, GARBAGE, OFFAL, RAT

HARBORAGES, STAGNANT WATER, COMBUSTIBLE MATERIALS AND SIMILAR MATERIALS OR CONDITIONS CONSTITUTE FIRE, HEALTH OR SAFETY HAZARDS.

10. INADEQUATE MAINTENANCE, INCLUDING ANY BUILDING OR PORTION OF A BUILDING THAT IS DETERMINED TO BE AN UNSAFE BUILDING IN ACCORDANCE WITH BUILDING REGULATIONS.

11. UNHEALTHY CONDITIONS, INCLUDING ANY CONDITION DEFINED IN BUILDING REGULATIONS THAT RESULTS IN THE FAILURE TO MAINTAIN MINIMUM STANDARDS OF SANITATION, HEALTH OR SAFETY OR THAT RENDERS AIR, FOOD OR DRINK UNWHOLESOME OR DETRIMENTAL TO HEALTH.

12. INADEQUATE EXITS, INCLUDING ALL BUILDINGS OR PORTIONS OF A BUILDING THAT ARE NOT PROVIDED WITH ADEQUATE EXIT FACILITIES AS REQUIRED BY BUILDING REGULATIONS AND THAT HAVE BEEN ADEQUATELY MAINTAINED AND INCREASED IN RELATION TO ANY INCREASE IN OCCUPANT LOAD, ALTERATION OR ADDITION, OR ANY CHANGE IN OCCUPANCY.

13. IMPROPER OCCUPANCY, INCLUDING ALL BUILDINGS OR PORTIONS OF A BUILDING THAT ARE OCCUPIED FOR LIVING, SLEEPING, COOKING OR DINING PURPOSES AND THAT WERE NOT DESIGNED AND PERMITTED TO BE USED FOR SUCH OCCUPANCIES, OR THAT ARE OCCUPIED IN EXCESS OF THE MAXIMUM OCCUPANCY LOAD ALLOWED BY ANY APPLICABLE PROVISION OF BUILDING REGULATIONS OR STATE LAW.

C. BEFORE ENTRY INTO THE INTERIOR OF A RESIDENTIAL RENTAL PROPERTY, THE CITY SHALL OBTAIN CONSENT OF THE OWNER, MANAGING AGENT, OR OCCUPANT OR OBTAIN A WARRANT FOR ENTRY.

D. INTERIOR INSPECTIONS PERFORMED UNDER THIS SECTION SHALL BE LIMITED TO ITEMS THAT CAN BE EASILY VIEWED AND SHALL NOT INCLUDE HIDDEN HAZARDS THAT MAY BE IN THE INTERIOR OF THE CONSTRUCTION OF THE DWELLING UNIT (E.G., INSIDE OF WALLS OR CEILINGS OR UNDER FLOORS).

E. THIS SECTION DOES NOT LIMIT THE AUTHORITY OF THE CITY TO:

1. PERFORM AN EXTERIOR INSPECTION OF ANY PROPERTY IN THE CITY AT ANY TIME.
2. UPON RECEIPT OF A COMPLAINT OR CONSENT FROM THE OWNER OR OCCUPANT, PERFORM AN INTERIOR INSPECTION OF ANY PROPERTY IN THE CITY'S JURISDICTION.
3. PERFORM INTERIOR, EXTERIOR OR CONSTRUCTION JOB SITE INSPECTIONS OF NEW CONSTRUCTION BEFORE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
4. PERFORM INTERIOR OR EXTERIOR INSPECTIONS OF ILLEGAL CONSTRUCTION THAT OCCURRED WITHOUT A REQUIRED BUILDING PERMIT.
5. PERFORM AN INTERIOR INSPECTION OF ANY PROPERTY DURING AN EMERGENCY OR NATURAL DISASTER.
6. PERFORM ANY OTHER INSPECTION AUTHORIZED BY OTHER PROVISIONS OF THE MESA CITY CODE.

SECTION 4: SEVERABILITY. If any provision of this ordinance is held to be unenforceable or unconstitutional by a court of competent jurisdiction, the remaining provisions shall remain in effect.

SECTION 5: The effective date of this ordinance shall be thirty days after adoption.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, the _____ day of _____, 2009.

APPROVED:

Mayor

Attest:

City Clerk