

RE: New requirements for inspections of multi-family dwelling with 3 or more units.

In order to continue its efforts to ensure safe and decent rental housing, the City of Rockland has implemented new regulations regarding inspections of apartment buildings. These new regulations provide a more manageable system for inspections of rental housing without hiring additional personnel.

Beginning January 14, 2010, any person or entity conveying a multi-family dwelling with three or more dwelling units or residential condominium units in a building containing three or more units, must certify at closing that each multi-family dwelling unit or residential condominium, and the structure in which they are housed, have been inspected by Code Enforcement Office and Fire Department and that a Certificate of Habitability or Temporary Certificate of Habitability has been issued. Inspections will be to ensure compliance with the International Property Maintenance Code/2006 and NFPA 101 Life Safety Code/2009. Copies of both codes will be available for review in the Code Enforcement Office.

If violations of either of these codes are found, the owner of the apartment building will receive a notice of violation ordering corrections. In some circumstances, if violations do not present a condition of immediate danger or hazard to the occupants, a Temporary Certificate of Habitability may be issued only if the owner or manager, or prospective buyer, has set forth a written plan of compliance acceptable to the inspecting officials both as to deadline and measures of correction. If an inspection has been done and violations are cited, the owner of the apartment building will still be responsible for corrections even if the sale does not take place. If any violations cited are not corrected within the timeframe agreed to, the inspecting officials may suspend the Temporary Certificate of Habitability and initiate enforcement action.

The City of Rockland Code Office appreciates your cooperation regarding these new regulations. Your help in ensuring that owners and buyers of multi-family dwellings are aware of these new requirements before a sale will help avoid problems that could result from a sale that takes place without inspections. Please be sure to call or stop in if you have any questions.

The following may be of interest to those companies who also perform property maintenance and/or rental services:

In order to ensure that clients of Rockland's General Assistance program have safe and decent places to live, and to ensure that City General Assistance funds are not spent on substandard housing, any housing rental unit covered under this section which is to be rented to a recipient of General Assistance must be inspected immediately before such recipient occupies it, whether or not said unit has a current and valid certificate of habitability. If the unit does not meet the standards required for such certificate, it shall not be rented either to the General Assistance recipient or to any other tenant until it does meet these standards.

Code enforcement officials also may conduct inspections of any building upon receipt of an oral or written complaint or following visual observation of potential issues affecting the safety, health, or welfare of occupants or the public.

Sec. 4-505 Inspection of Rental Housing and Converted Condominium Units

1. In addition to inspections authorized or required elsewhere in this Code of Ordinances, any person or entity conveying a multi-family dwelling with three or more dwelling units or residential condominium units in a building containing three or more units, shall certify at closing that each multi-family dwelling unit or residential condominium, and the structure in which they are housed, have been inspected by the responsible code enforcement official(s) for compliance with the Property Maintenance Code and Life Safety Code, and that a Certificate of Habitability or Temporary and Conditional Certificate of Habitability has been issued by the code Enforcement Officer or his designee.

2. If a notice of violation is issued to the owner or manager of a rental housing unit or condominium pursuant to Section 4-504(F), the Code Enforcement Officer nonetheless may issue a temporary and conditional certificate of habitability, provided that:

A. The violations do not, in the judgment of the responsible code enforcement officials, present a condition of immediate danger or hazard to the occupants; and

B. The owner or manager, or prospective buyer, has set forth a written plan of compliance acceptable to the responsible code enforcement officials both as to deadline and measures of correction.

C. At the end of the time allowed for correction of any violations cited, the responsible code enforcement officials shall reinspect the dwelling unit(s), and if he determines that the conditions cited have not been corrected, he may issue an order suspending the temporary and conditional certificate of habitability and may initiate code enforcement proceedings against the property owner or property manager pursuant to Maine Rule of Civil Procedure 80K.

3. In order to ensure that clients of Rockland's General Assistance program have safe and decent places to live, and to ensure that City General Assistance funds are not spent on substandard housing, any housing rental unit covered under this section which is to be rented to a recipient of General Assistance shall be inspected immediately before such recipient occupies it, whether or not said unit has a current and valid certificate of habitability. If the unit does not meet the standards required for such certificate, it shall not be rented either to the General Assistance recipient or to any other tenant until it does meet these standards. Eff: 11/14/97