

BROCHURE FOR CITIZENS ADVISORY COUNCIL NEIGHBORHOOD ASSOCIATIONS

RENTAL HOUSING

The City of Raleigh is committed to assuring quality housing for those who rent. The following information is being provided to inform Citizens Advisory Councils and other neighborhood associations about the responsibilities of the tenant and the landlord. Homeowners, renters and landlords must all work together to make neighborhoods safe, secure and attractive.

WHAT THE LANDLORD IS REQUIRED TO DO

Under North Carolina's Residential Rental Agreement Act, the landlord must:

Maintain facilities: The landlord or property manager is required to maintain in good and safe working order and promptly repair all electrical, plumbing, sanitary, heating, ventilating, air conditioning, and other facilities and appliances supplied or required to be supplied by the landlord. Landlords are required by City codes to maintain their property consistent with minimum standards for safety and habitation. But the landlord may not be aware of the need to perform this duty unless the tenant first advises the landlord of needed repairs in writing or the landlord is directed to do the work by the Housing/Environmental Inspections Division of the City of Raleigh Inspections Department. The tenant may wish to inform the landlord of the problem immediately over the telephone or in person and then follow up by notifying the landlord in writing. Tenants should always keep a copy of all written communication between themselves and the landlord.

In the event of an emergency, such as when the heat fails during the winter, prior written notification is not required. The landlord must tend to emergency repairs as he or she becomes aware of the problem, regardless of whether the tenant has given written notification. And if the tenant repairs an emergency problem, the landlord must reimburse the tenant regardless of prior notice.

The tenant can agree to perform some or all of the landlord's maintenance duties, but the parties must make an agreement separate from the lease and the tenant must be compensated.

Under the City of Raleigh's newly-adopted Probationary Rental Occupancy Permit (PROP) Program and other City code provisions, failure to maintain the property will result in sanctions against the property owner -- not the tenant -- regardless of the contractual (lease) arrangements between the owner and the tenant.

Comply with building codes: The landlord or property manager must maintain the residence in compliance with the local building and housing codes. Raleigh's housing codes require functional heating and plumbing, locks on windows and doors, and weather-tight walls, windows and doors. Also, the City's codes require the landlord to rid the premises of infestations, and to repair holes or cracks in walls. State of North Carolina building codes govern the repair of heating and electrical systems.

If, after the tenant advises the landlord of a violation of these codes, the landlord does not take action, the tenant may wish to report the problem to the City of Raleigh

Housing/Environmental Inspections Division, 807-5110. City inspectors have independent authority to force compliance with the codes, and may take prompt action when a violation creates a risk to the safety of the tenant. The landlord must comply with these local codes regardless of whether the tenant has given the landlord prior written notice of a particular problem.

Keep common areas safe: The landlord or property manager is required to maintain all common areas in a safe condition, regardless of whether a tenant has given the landlord notice of an unsafe condition. Common areas include hallways, parking lots, play areas, laundry rooms, and sewage or plumbing systems serving more than one rental unit open to more than one rental unit.

Keep premises in safe and habitable condition: If the landlord or property manager complies with his or her other duties, he or she most likely will be in compliance with this requirement as well. But this general, catch-all requirement ensures that the landlord cannot rent an unsafe or uninhabitable residence due to some loophole in the specific requirements of the local codes and state laws. Raleigh City codes require owners of rental residential property to equip the dwellings with operating smoke detectors. Furthermore, landlords must replace the batteries in battery-operated smoke detectors at least once a year.

Be a good neighbor: Many of the City of Raleigh's ordinances are aimed at ensuring that property owners and managers respect each other's investments, by keeping property in good shape, working with tenants to respect the privacy and livability of their neighbors' homes, and being both responsible and responsive when a problem arises. Landlords are expected to be good neighbors by checking their property often. A good neighbor will get to know the surrounding property owners and residents and give them contact information so that any problems can be brought to the attention of the landlord. If something does come up, the good neighbor will resolve it quickly. The good landlord also will work with their tenants to be good neighbors also.

WHAT THE TENANT IS REQUIRED TO DO

Under North Carolina's Residential Rental Agreement Act, the tenant -- in addition to paying the rent according to terms of the lease -- must:

Maintain premises: The tenant should keep that part of the premises which he or she occupies and uses as clean and safe as the conditions of the premises permit and cause no unsafe or unsanitary conditions in the common areas and remainder of the premises which he uses. The tenant also must not deliberately or negligently destroy, deface, damage, or remove any part of the premises, nor render inoperable the smoke detector provided by the landlord, or knowingly permit any person to do so. The tenant will be responsible for all damage, defacement, or removal of any property inside a dwelling unit in his exclusive control unless said damage, defacement or removal was due to ordinary wear and tear, acts of the landlord or his agent, defective products supplied or repairs authorized by the landlord, acts of third parties not invitees of the tenant, or natural forces.

Remove household waste: The tenant must dispose of all ashes, rubbish, garbage, and other waste in a clean and safe manner.

Clean plumbing fixtures: The tenant should keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits.

Abide by codes: The tenant must comply with any and all obligations imposed upon the tenant by current applicable building and housing codes.

Arrange to repair or replace smoke detector: The tenant should notify the landlord of the need for replacement of or repairs to a smoke detector. Raleigh City codes require owners of rental residential property to equip the dwellings with operating smoke detectors. Furthermore, landlords must replace the batteries in battery-operated smoke detectors at least once a year.

Be a good neighbor: Tenants are expected to be good neighbors also. The City of Raleigh's nuisance ordinances, including the noise and excessive party ordinance, were adopted to remind tenants that it is important for them to be sensitive to residents in surrounding properties. A good neighbor will get to know the residents in surrounding properties and will remind visitors to their homes to respect the privacy and livability of the surrounding neighbors. A good neighbor will be responsive by taking care of any problem that may be raised by a neighbor. He or she also will make sure the landlord is aware of any problem with the dwelling that needs to be fixed, before it becomes a bigger problem.

PROBLEM PROPERTIES

Occasionally, a rental property in a neighborhood deteriorates or is occupied by tenants who are noisy or show a lack of respect for others' rights and property. Sometimes this behavior is criminal. If the landlord is a good neighbor, he or she will have given surrounding property owners contact information so that they can inform the landlord when a problem arises. Unfortunately, not all landlords are good neighbors.

If a property develops problems with lack of maintenance, dangerous electrical or physical issues, crime, noise, overgrown vegetation or trash, or abandoned cars in the yard, some City of Raleigh ordinances may assist in bringing the property into compliance. Please remember that you should also be a good neighbor by trying first to contact the landlord and inform them of the problem. Most landlords want to keep the property in good shape and may not know of a problem when it exists. If the landlord is unresponsive, check the list below for your next step.

- If the problem is with loud or unruly tenants, call your district police station.
 - >District 21 Station House, 8016 Glenwood Avenue, 420-2300
 - >District 22 Station House, 8320 Litchford Road, 713-4208
 - >District 23 Station House, 4501 Atlantic Ave., suite 124, 713-5290
 - >District 24 Station House, 1601-30 Cross Link Road, 857-4455
 - >District 26 Station House, 601 Hutton Street, 831-6167
 - >Downtown Station House, Greyhound Bus Terminal, 314 W. Jones St., 807-8518
- **To find out which District Station House is closest to your neighborhood, call Police Headquarters at 890-3335*
- If a crime has taken place or is suspected to be happening: Call 9-1-1; and,
- If the housing condition is poor, or if there is trash in the yard or more than one unlicensed vehicle parked on the property – call the City's Housing and Environmental Division at 807-5110.

What the City will do when you call

For most problems on rental property -- when the problem is brought to the attention of the City and appears to be a violation of one of the City's laws or ordinances -- the property will be visited by either a City of Raleigh police officer (if a crime or a violation of the noise or excessive party ordinance) or a City inspector. The officer or inspector will investigate. If it's a police matter, the officer will issue a warning or citation. If it's a building inspection issue, the inspector will issue an order to bring the property into compliance. For housing and nuisance issues, a period of time will be allowed for the property owner to bring the property into compliance. If the property owner fails to do this within the allotted time, a civil penalty will be imposed. In some cases, the nuisance will be taken care of by the City and billed back to the property owner; the property owner will be required to obtain a probationary rental occupancy permit (PROP) for that unit. The PROP will remain in effect for two years, when it will expire if no further violations occur at the same property. If further violations occur, much higher fines will be imposed and the property owner's ability to rent the unit may be withheld for up to a two-year period. Landlords who have a pattern of repeat citations at a rental property also must obtain the permit.

The Raleigh City Council adopted the probationary rental occupancy permit ordinance to:

- Reduce the likelihood that tenant-occupied housing accommodations will become public nuisances in violation of City codes;
- Promote responsible management of tenant-occupied housing;
- Assist in providing a safe habitat for residents and neighbors of tenant-occupied housing;
- Safeguard property values;
- Reduce the likelihood that unsafe or unfit housing will exist or be occupied; and,
- Expedite the repair of residential housing accommodations where code violations occur.

The City of Raleigh's regulations, including the PROP, are designed to encourage the property owner to comply with regulations. If a property owner is actively working to resolve the problem, City inspectors will attempt to work with them. But if the property owner chooses not to respond to correcting violations, the PROP ordinance gives the City the ability to remove the property owners' right to rent the unit.

To obtain a copy of the ordinance creating the probationary rental occupancy permit program, contact the Raleigh City Clerk's Office at 890-3040. For additional information about the program, contact the Housing/Environmental Inspections Division of the City of Raleigh Inspections Department at 807-5110 or visit the City's website at www.raleighnc.gov and then click on the "Resident" button. Information about minimum housing code requirements pertaining to rental property in Raleigh also can be obtained by contacting the Housing/Environmental Inspections Division.

NOISE

The City of Raleigh places limits on loud music coming from automobiles. Under City ordinance, music must be contained to a distance of no more than 50 feet from the vehicle. Covered under the ordinance are: radios, stereo receivers, cassette tape players

compact disc players and other similar devices. The ordinance particularly is aimed at motorists who drive through residential areas playing loud music. Violation of the ordinance is a misdemeanor that carries a jail sentence of up to 30 days and a maximum fine of \$500. For specific details about the City's noise ordinance, see Section 12-5001 of the City code and the sections that follow.