

# RENTAL HOUSING INSPECTION PROGRAM

City Council Work Session  
November 9, 2021



# Tonight's Work Session

Provide recommendation of the Rental Housing Inspection Program Committee

Receive direction from City Council on how to move forward.

# City Council Goals and Strategic Plan

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**Goal: Engagement and Inclusion: Create a culture of acceptance and mutual respect that acknowledges differences and strives for equity.**

**❖ Strategic Objective: Actively protect people from discrimination and harassment.**



# Some Background

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- ❖ On July 28, 2020, McMinnville City Council adopted Ordinance No. 5093, amending Title 15, “Buildings and Construction” of the MMC.
- ❖ Added Section 15.02.020(H) adopting the International Property Maintenance Code (IPMC) as published by the International Code Council.
- ❖ Established a minimum standard of safety for habitability of residential and commercial structures in McMinnville.
- ❖ Folded into our Code Compliance program.
- ❖ Both Officers are now IPMC certified.
- ❖ Complaint- based program.



**At that time City Council asked if there was a way to have a proactive program due to some complaints that they had been receiving regarding the condition of some rentals in the community, and the tenant did not want to go on the record complaining about their rental unit for fear of retaliation from the landlord.**

# August 19, 2021, City Council Work Session – Proactive Rental Housing Inspection Program

# RENTAL INSPECTION PROGRAM - Purpose

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- Address the issue of substandard rental properties,
- Promote greater compliance with health and safety standards,
- Preserve the quality of McMinnville neighborhoods and available housing.

CITY COUNCIL WORK SESSION, AUGUST 19, 2020



# RENTAL INSPECTION PROGRAM – Reactive

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## How Does it Work?

- Establishes a minimum standard of habitability for residential rentals in McMinnville.
- If tenant has a problem they need to work with landlord to resolve it. (Must prove this effort has occurred).
- If tenant cannot resolve the issue, they call Code Compliance who will conduct an inspection and enforce compliance with the landlord to the minimum standards.

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# A Guide to Proactive Rental Inspection Programs



## CHALLENGES WHEN IMPLEMENTING PRI PROGRAMS

PRI programs can yield important improvements in a locality's housing stock. But they may also amplify many of the challenges that arise with traditional complaint-based programs, because (1) proactive inspection programs typically bring inspectors into contact with a much wider cross-section of a locality's housing, and (2) inspections are not initiated exclusively by tenant complaints. In some cases, code enforcement activities can potentially result in displacement of tenants. This section examines some common challenges, and the following section offers strategies for addressing these challenges to maximize the effectiveness and benefits of PRI programs.

### Uninhabitable and "Illegal" Units

In extreme cases, an inspector may find substandard conditions that immediately threaten the health and safety of residents. PRI programs should include measures that require landlords to fix properties quickly; however, in the worst cases, the locality may require a tenant to vacate the property.

Inspectors may also encounter "illegal" units: units that have not been registered or licensed, and units that exist in violation of zoning or building codes. Where possible, localities should aim to bring units into compliance to preserve rental housing stock.

Where uninhabitable or illegal units cannot be brought into compliance, relocation programs and supportive social programs, discussed in more detail below, are critical to ensure that tenants remain housed.

### Tenant-Side Code Violations

Because PRI program inspectors are not only invited into rental housing units by tenants filing complaints, they are more likely to uncover tenant-side code violations or illegal occupancies than they would under complaint-based programs. Because the central goal of proactive rental inspection programs is to maintain housing in safe and healthy condition, code enforcement should prioritize remedying such violations rather than displacing tenants from their homes.

**Hoarding:** About three to five percent of Americans suffer from hoarding.<sup>160, 161, 162, 163</sup> Severe hoarding not only puts a tenant and other occupants of a housing unit at risk, but may place neighboring residents at risk of fire, disease, or infestation of vermin.<sup>164, 165, 166</sup> This disorder is not widely understood and localities often struggle with effective ways to address hoarding.<sup>167</sup> For example, one study out of New York found that "almost a quarter of individuals seeking help for housing problems from a community eviction prevention organization met the criteria for [hoarding disorder]; only about half of these individuals were receiving mental health treatment."<sup>168</sup> However, as hoarding is a form of mental illness,<sup>169</sup> localities should identify ways to assist hoarders without rendering them homeless.<sup>169, 170</sup>



## STRATEGIES FOR SUCCESS

An increasing number of localities have enacted PRI programs, a number of strategies have emerged to address the above challenges and ensure successful programs. We highlight a few below.

### Diverse Stakeholders in Designing the Program

As described above, PRI programs differ from locality to locality. The most effective programs are targeted to local housing stock characteristics and the specific concerns of the community. In taking this approach, proactive code inspections program should be developed with input from diverse stakeholder groups.<sup>171</sup> In Seattle, for example, the City Council required the Department of Building Inspections program should be developed with input from diverse stakeholder groups.<sup>172</sup> In Seattle, for example, the City Council required the Department of Building Inspections program should be developed with input from diverse stakeholder groups.<sup>173</sup> In Seattle, for example, the City Council required the Department of Building Inspections program should be developed with input from diverse stakeholder groups.<sup>174</sup>

### Community-Based Organizations in Implementation

Using inspection programs bring code enforcement officers into contact with a cross-section of residents that do complaint-based programs - residents who have not affirmatively sought out housing inspections. By involving tenants and landlords about rental housing inspections, localities can ensure effective implementation of inspections, some localities have involved community members and nonprofit organizations in the implementation of

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# RENTAL INSPECTION PROGRAM - Structure

## PROACTIVE VERSUS REACTIVE

	<b>PROACTIVE</b>	<b>REACTIVE</b>
<b>INITIATED</b>	Permit/Licensing	Complaint Basis
<b>INSPECTIONS</b>	Annual Random Inspections, Routine	Inspections only with a complaint
<b>FEEES</b>	Yes	No
<b>ADMINISTRATION</b>	More Workload	Same Workload
<b>PROS</b>	Comprehensive	Spotty
<b>CONS</b>	More Process	Retaliation Potential
<b>EFFECTIVENESS</b>	More effective, Protects all tenants	Limited

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# RENTAL INSPECTION PROGRAM - Proactive

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## Advantages of a Proactive Program:

- *PRI Programs preserve safe and healthy rental housing (takes the burden off of the tenant).*
- *PRI Programs help protect the most vulnerable tenants. (language barriers or disabilities may be barrier to complaints)*
- *PRI Programs may preserve neighborhood property values.*

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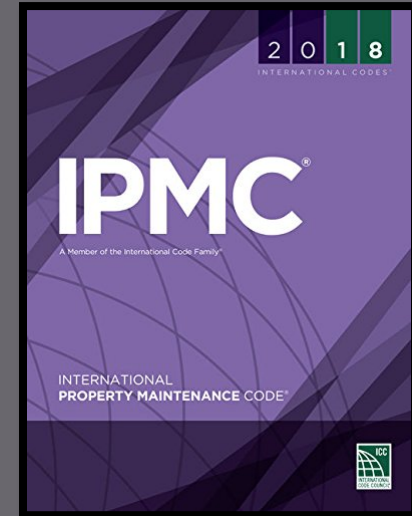
# RENTAL INSPECTION PROGRAM - IPMC

Establish Minimum Habitability Standards for all Residential Rental Properties.  
(IPMC has minimum standards.)

The standards cover ten areas:

- heating
- plumbing
- security
- electrical
- appliances
- smoke detection
- structural integrity
- weatherproofing
- carbon monoxide alarms
- rats

\*Mold is addressed through the weatherproofing and plumbing standards.



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# RENTAL INSPECTION PROGRAM - Gresham

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## Gresham Proactive Rental Housing Inspection Program:

- Established in 2007. Developed over a year and implemented in 2008.
- Has become a model for other communities.
- Focuses on: Health Hazards, Fire and Life Safety and Protection from the Elements
- Uses IPMC as a basis minimum standard
- Hybrid: Complaint and Proactive.

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# RENTAL INSPECTION PROGRAM - Proactive

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## Strategies for Success

- *Involve diverse stakeholders in designing the program.*
- *Provide training for code enforcement staff.  
(National Center for Healthy Housing)*
- *Provide education, outreach and ongoing support for landlords and tenants.*
- *Implement complementary programs.  
(Funding assistance for low-income landlords, public access to code violation information, etc.)*

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# STAFF RECOMMENDATION

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## Work Towards Developing a Program Similar to Gresham

- Hybrid proactive and complaint based, but with random sampling it is not as administratively labor intensive.
- Provides for consistency and transparency.
- Work with rental property owners over the next year on the development of a program.
- Implement a registration/licensing program in 2022.

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# Rental Housing Inspection Program Committee

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## Solicitation:

- ❖ **Advertised in the News Register**
- ❖ **Advertised on Social Media**
- ❖ **Advertised in the Housing Authority Newsletter**

### Committee Members

**Andrew Burton**

**Joan Drabkin**

**Diane Longaker**

**Katherine Martin**

**Sal Peralta – City Council Liaison**

**Mary Piper**

**Vickie Ybarguen**

- **Comprised of housing providers and tenants.**
- **Met regularly for 8 months to discuss options for the City Council to consider.**
- **Voted on October 26, 2021**



# PROACTIVE RENTAL HOUSING INSPECTION PROGRAM RECOMMENDATION

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- ❖ **Establish a Five-Year Pilot Program**
  - ❖ **Lottery Based Selection (50 – 100/year)**
  - ❖ **No Fee or Registry**
  - ❖ **Collect Data (Is there a problem that should be addressed with a permanent program)**
- ❖ **Inspection Based on IPMC Clear and Objective Standards**
- ❖ **Notification Process – Same 21 Day Timeframe as Other Programs**

# UNDERSTANDING THE DATA

## Housing Mix of McMinnville: 60% of household units are owner-occupied.

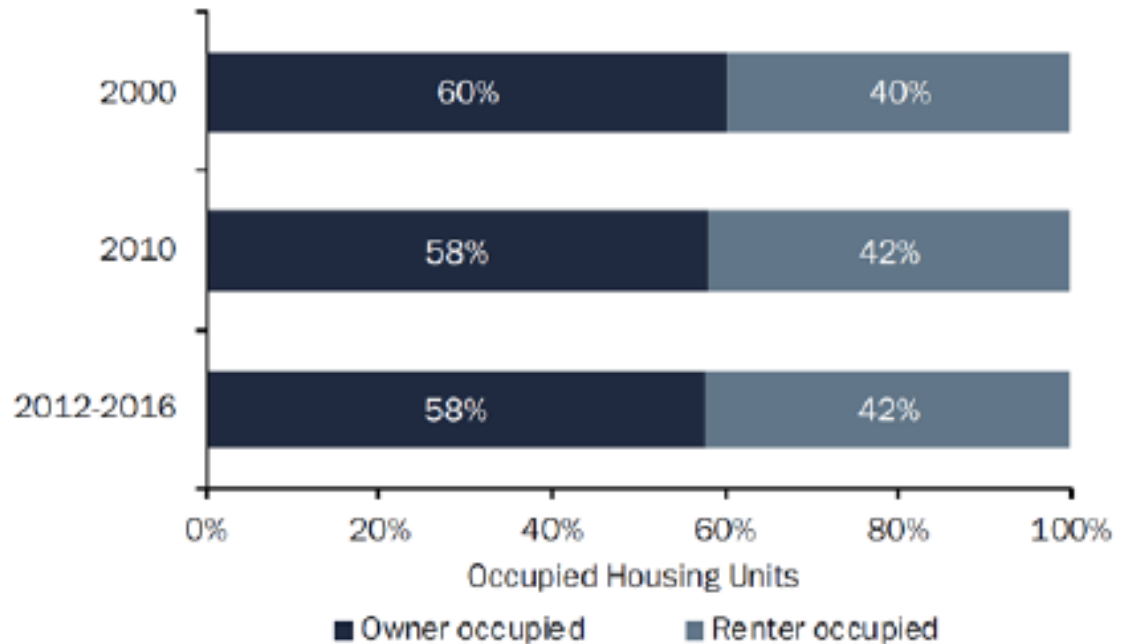
McMinnville's homeownership rate has remained steady since 2000 at about 60%.



TOTAL HOUSING UNITS  
13,500

**Exhibit 18. Tenure, Occupied Units, McMinnville 2012-2016**

Source: US Census Bureau, 2000 Decennial Census SF1 Table H004, 2010 Decennial Census SF1 Table H4, 2012-16 ACS Table B24003.



# UNDERSTANDING THE DATA

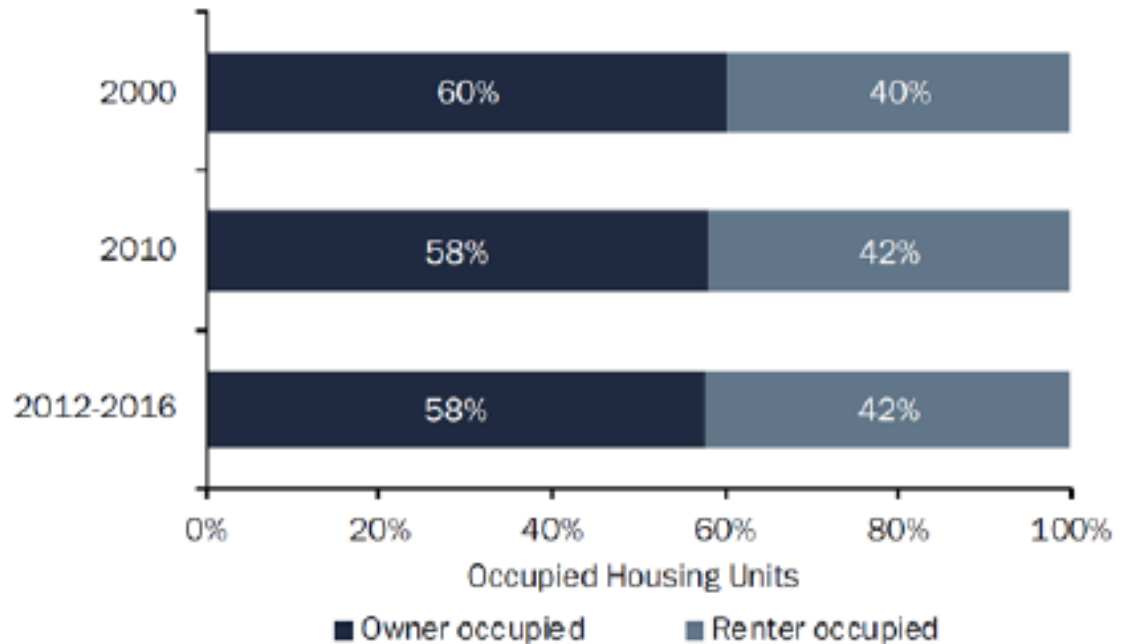
## Housing Mix of McMinnville: 60% of household units are owner-occupied.

McMinnville's homeownership rate has remained steady since 2000 at about 60%.

13,500 Housing Units in McMinnville:  
5,400 are Rentals

**Exhibit 18. Tenure, Occupied Units, McMinnville 2012-2016**

Source: US Census Bureau, 2000 Decennial Census SF1 Table H004, 2010 Decennial Census SF1 Table H4, 2012-16 ACS Table B24003.



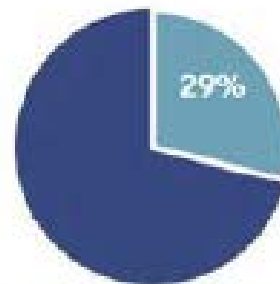
# UNDERSTANDING THE DATA

Roughly 29% of detached single family dwelling units are rented, 13% of attached single family dwelling units are rented (townhomes) and 58% of multifamily units are rented.

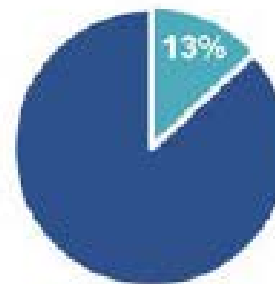
PERCENT OF MCMINNVILLE'S HOUSING UNITS THAT ARE RENTER-OCCUPIED BY TYPE OF HOUSING, 2016

A majority of renters in McMinnville live in multifamily housing.

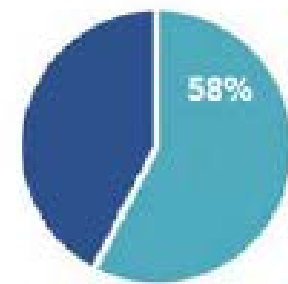
McMinnville has a larger share of renters than both the county and state.



SINGLE-FAMILY DETACHED

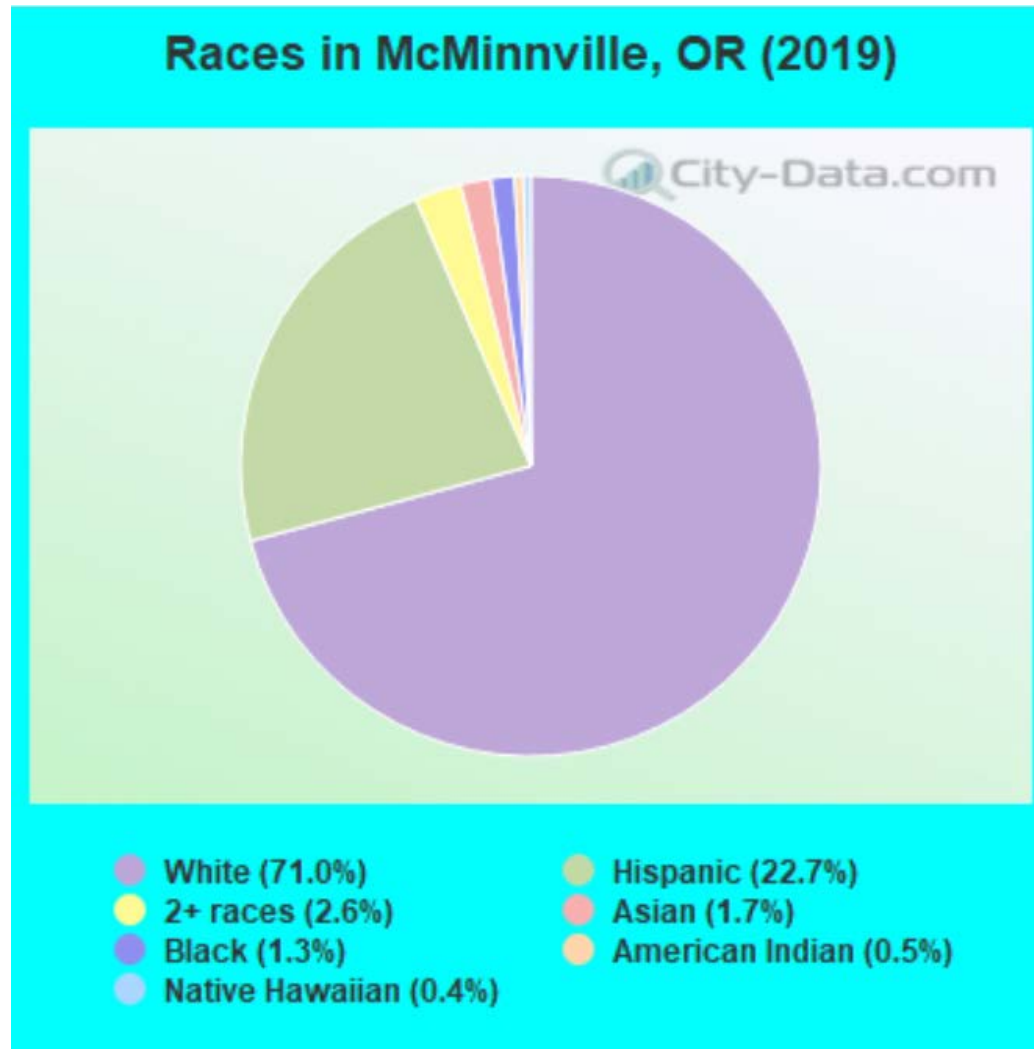


SINGLE-FAMILY ATTACHED



MULTIFAMILY

# UNDERSTANDING THE DATA



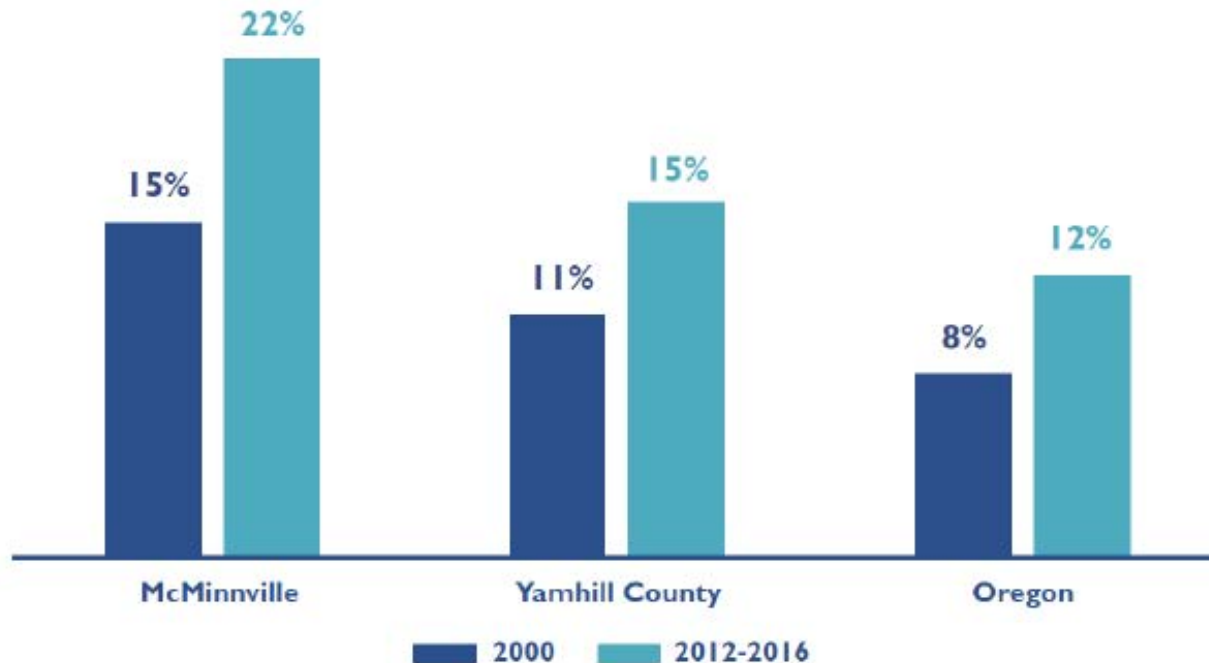
# UNDERSTANDING THE DATA

## Population Make-Up:

22.3% of the population is Hispanic.

18% of households do not speak English at home.

PERCENT OF POPULATION THAT IS HISPANIC OR LATINO,  
2000 & 2016



# UNDERSTANDING THE DATA

## Seniors and People with Disabilities

Persons under the age of 65 with disabilities = 12% (2015-2019 ACS)

Persons over the age of 65 = approximately 19% and growing

Figure 21. Yamhill County—Age Structure of the Population (2020, 2030, and 2045)

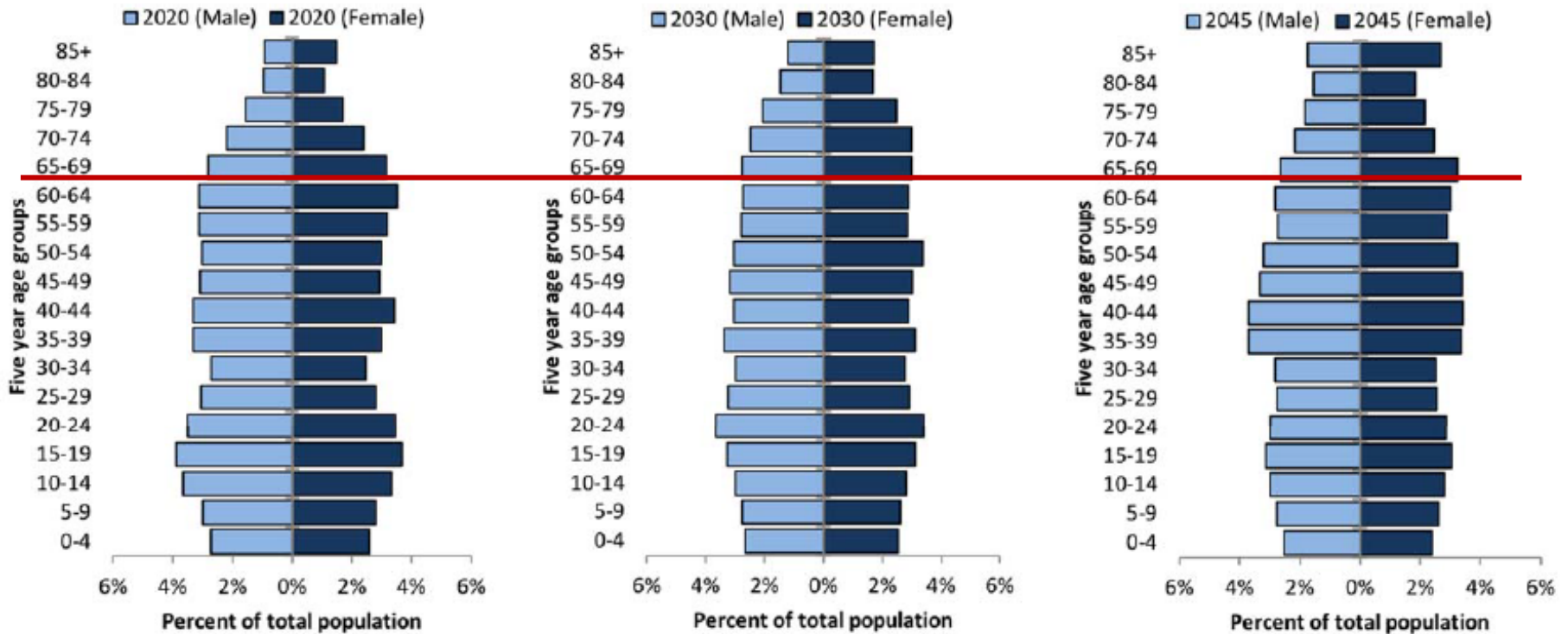


Figure 21 Source: Forecast by Population Research Center (PRC)

# UNDERSTANDING THE DATA

**Cost-Burdened Housing** (more than 30% of household income is dedicated to housing costs):  
**25% of home-owners are cost burdened.** (2025 housing units)  
**52% of renters are cost burdened.** (2800 housing units)  
**588 housing units are government assisted.**

**PERCENT OF MCMINNVILLE'S HOUSEHOLDS THAT ARE COST BURDENED OR SEVERELY COST BURDENED, BY OWNERSHIP STATUS, 2016**

Consistent with the region, over a third of McMinnville's households are paying more than they can afford for housing.

Renters are much more likely to be cost burdened than homeowners in McMinnville.







## PROGRAM SUMMARY

The McMinnville City Council believes everyone has the right to healthy and safe housing.

This is a rental housing inspection program that is both complaint-based and proactive to ensure that residents are living in safe, habitable conditions.

The Program:

- ❖ Establishes minimum requirements and standards for interior conditions of including:
  - Health Hazards
  - Fire and Life Safety
  - Protection from the Elements
- ❖ Governed by the International Property Maintenance Code (IPMC) and adopted by the McMinnville City Council per Section 15.20.020(C) of the McMinnville Municipal Code.
- ❖ A standard inspection checklist is used during inspections to address code violations and compliance with City and IPMC habitability standards.

What Will Be Inspected:

- Presence of insect and/or rodent infestation
- Surfaces significantly decayed, defective or in damaged condition
- Visible significant presence of mold and water damage
- Operating smoke detectors or carbon monoxide detectors
- Obstructed Emergency Exits
- Interior Stairs, Handrails and Guardrails in disrepair
- Inoperable Front and Back Doors
- Inoperable Windows
- Inadequate Heating and Ventilation Systems
- Inoperable Plumbing Systems
- Unsafe Electrical Systems
- Property Nuisances

## PROGRAM COMPONENTS

### Complaint Based (Citizen Initiated)

Tenants may initiate an inspection by contacting the City's Code Compliance team and letting them know what they think is non code compliant.

- By Phone: 503-434-7305
- By Email: [RentalInspection@mcminvilleoregon.gov](mailto:RentalInspection@mcminvilleoregon.gov)
- Online: <https://www.mcminvilleoregon.gov/planning/webform/online-code-complaint-form>

An inspection will take place and the property owner and tenant will be notified of any violations and the need for correction.

*The City of McMinnville and Oregon Landlord/Tenant Laws prohibit retaliatory conduct against tenants for asserting their rights under the code and state law. Therefore, the city will provide the highest-possible protections permitted by law for those reporting violations.*

### Proactive Inspections (City Initiated)

Utilizing a list of all rental properties in the city, properties and units will be randomly identified for an annual proactive inspection using a computer program.

Property owners and tenants will be notified 21 days in advance of a scheduled inspection. Tenant and landlord consent is obtained prior to inspection. Property owners are responsible for posting their own 24 hour notice if they wish to accompany the inspector.

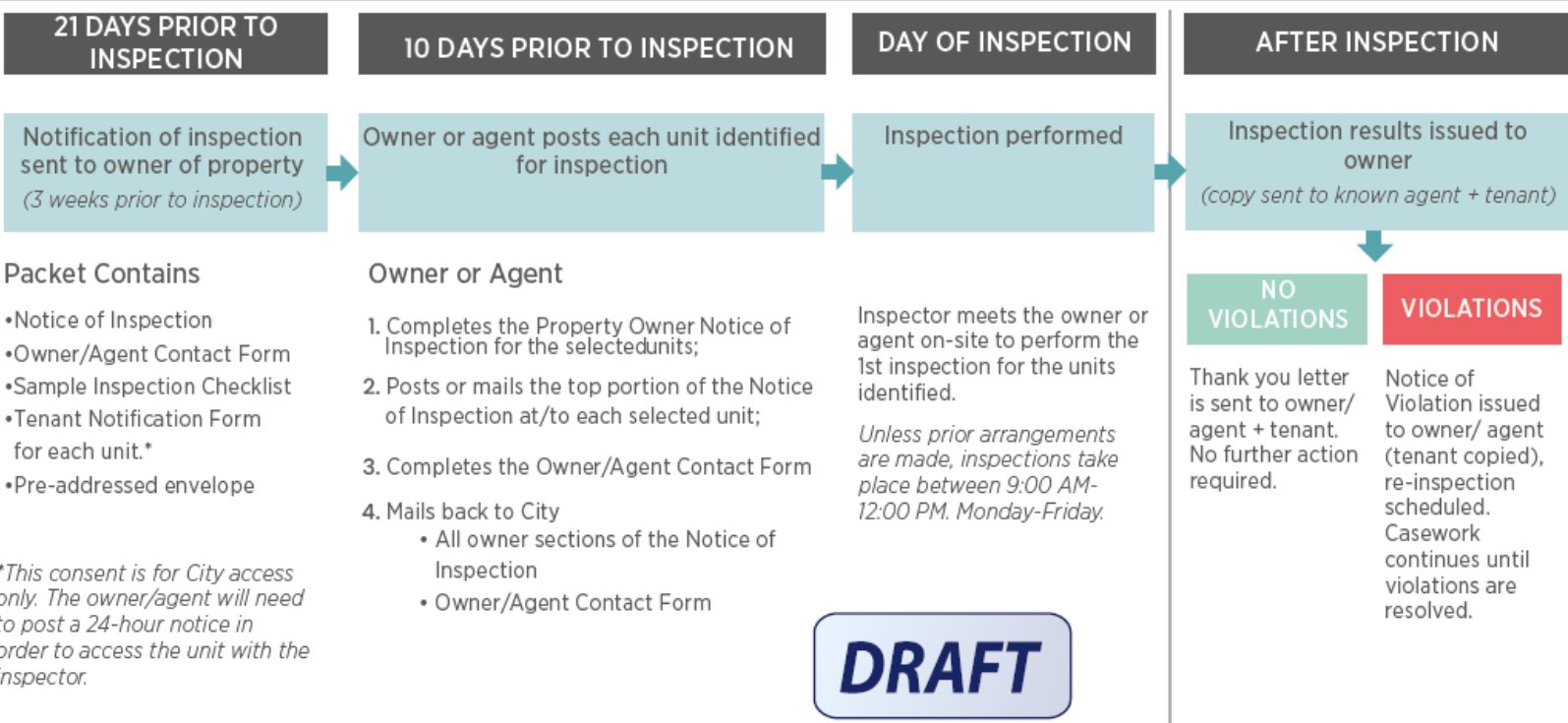
The property owner and tenant will be notified of the results of the inspection.

*The Proactive Rental Housing Inspection Program will be a pilot program for five years to ascertain whether or not the need exists for such a program in McMinnville. The City of McMinnville expects to inspect between 50 – 100 rental units per year.*



# Proactive Inspection Notification Process Timeline

## OWNER/AGENT



**DRAFT**

## TENANT





## RENTAL INSPECTION PROGRAM CHECKLIST

The City of McMinnville believes everyone has the right to healthy and safe housing. As such, the City of McMinnville has implemented a rental housing inspection program that is both complaint-based and proactive to ensure that residents are living in safe, habitable conditions.

The Program:

- ❖ Establishes minimum requirements and standards for interior conditions of including:
  - Health Hazards
  - Fire and Life Safety
  - Protection from the Elements
- ❖ Is governed by the International Property Maintenance Code (IPMC) and adopted by the McMinnville City Council per Section 15.20.020(C) of the McMinnville Municipal Code.
- ❖ Includes a standard inspection checklist used during inspections to address code violations and compliance with City and IPMC habitability standards.

The following checklist is a guide to the types of items that Housing Inspectors will evaluate.

### INTERIOR

- Smoke/Carbon Monoxide detectors: not operational, battery taken out, not enough detectors/wrong location (IPMC 704.1 & 704.2)
- Exists/Hallways, blocked pathways and/or obstructed path to the right of way (IPMC 702.1)
- Surface: windows, doors & walls being kept in an unsanitary manner, peeling, chipping or abraded paint (IPMC 305.3)
- Stairs and walking surfaces: uneven spaced, no handrails if stairs have more than 4 risers, stairs not securely attached, flooring covering not secured to floor. (IPMC 305.4)
- Handrails/Guardrails: in disrepair/not firmly fastened, not capable of supporting normally imposed loads (IPMC 305.5), handrail measured height <30' or > 42", guardrails measured height <30' (IPMC 306.1)

- Gutters/downspouts: full of debris, not working, or missing (IPMC 304.7)
- Foundation: wall in disrepair, allowing the entry of rodents and other pests, proper grading (IPMC 304.5)
- Gutters/downspouts: not properly attached, does not drain water away from structure (IPMC 304.7)

Structures and exterior property shall be kept free from rodent/pest harborage and infestation. Where rodents/pest are found, they shall be properly exterminated by approved process that will not be injurious to human health. After pest eliminate rodent harborage and prevent reinfestation. (IPMC 309.1 & MMC 8.10.290)



## RENTAL INSPECTION CHECKLIST:

- Clear and Objective
- Health Hazards
- Fire and Life Safety
- Protection from the Elements
- Governed by the IPMC

# INSPECTION DETAILS

Type of Inspection	Details (All provisions are outlined in the IPMC with clear and objective standards for assessing and measuring compliance)
Sleeping Rooms	<ul style="list-style-type: none"><li>• Proper egress to exit the room required</li><li>• Minimum of 2 duplex electrical outlets or 1 duplex outlet and 1 switched overhead light fixture required per sleeping room</li><li>• Operable smoke detectors</li></ul>
Kitchen	<ul style="list-style-type: none"><li>• Hot (120 degrees) and cold running water</li><li>• Kitchen sink must be properly connected to sanitary sewer</li><li>• Drains must function properly, free of obstruction</li><li>• Cabinets must be in good repair</li><li>• Gas appliances must be connected properly with approved fittings/connectors</li><li>• Appliances must be in good working conditions</li><li>• Required to have at least one 20-amp circuit</li></ul>
Bathroom	<ul style="list-style-type: none"><li>• A tub or shower properly installed, maintained and in good repair with caulking intact</li><li>• A washbasin properly installed, maintained and in good repair with caulking intact</li><li>• Properly installed toilet with all components intact and properly secured, maintained and functioning</li><li>• One light fixture required</li><li>• Bathroom cabinets must be in good repair</li><li>• No leaking faucets</li><li>• Hot and cold running water required to each fixture</li></ul>

# INSPECTION DETAILS

Type of Inspection	Details (All provisions are outlined in the IPMC with clear and objective standards for assessing and measuring compliance)
Walls and Ceilings	<ul style="list-style-type: none"> <li>• No loose wallpaper, plaster or flaking, chipping and peeling paint and caulking</li> <li>• Free from holes</li> <li>• Free from water damage</li> <li>• Minimum ceiling height 7'</li> </ul>
Floors	<ul style="list-style-type: none"> <li>• In good repair, structurally sound and without holes</li> <li>• No trip hazards (i.e torn carpet)</li> </ul>
Hallway/Landing	<ul style="list-style-type: none"> <li>• Clear pathway</li> <li>• Handrails/guardrails securely attached</li> <li>• Continuous guardrails required on open sides of landings/stairways 30" or more above grade</li> </ul>
Windows	<ul style="list-style-type: none"> <li>• Easily openable</li> <li>• Capable of being held in position by window hardware</li> <li>• Locks required 24 ft above grade</li> <li>• If windows open, must have screens in good repair</li> <li>• Weather tight</li> <li>• Window frame must be free of cracked, chipped, peeling, chalking, or flaking paint and caulk</li> </ul>
Doors	<ul style="list-style-type: none"> <li>• Secure</li> <li>• Proper hardware</li> <li>• Weather tight and rodent proof</li> <li>• Storm/screen doors maintained in good conditions with functioning closers</li> </ul>

# INSPECTION DETAILS

Type of Inspection	Details (All provisions are outlined in the IPMC with clear and objective standards for assessing and measuring compliance)
Fire Protection	<ul style="list-style-type: none"> <li>• Storage of paint, paper, boxes, rags or combustible/flammable material not allowed within 10 feet of gas-fired appliances (furnaces, water heaters, etc.)</li> <li>• Path of egress shall not be blocked by debris, storage, trash, snow, ice or other obstruction</li> <li>• Third floor units require a second means of egress</li> <li>• All stairways require continuous handrails</li> <li>• Buildings with 3 or more units require fire extinguishers</li> <li>• All smoke detectors shall be installed within close proximity to sleeping rooms, and no closer than 3 feet from the door to bathroom or kitchen with working batteries and functional connections</li> </ul>
Electrical	<ul style="list-style-type: none"> <li>• Adequate service and outlets with a properly installed service panel</li> <li>• Fixtures must be intact and properly functioning</li> <li>• Extension cords must not be used in lieu of permanent wiring</li> <li>• Cover plates required on all outlets, switches, and junction boxes</li> <li>• All wiring must be intact and properly maintained</li> </ul>
Plumbing	<ul style="list-style-type: none"> <li>• Faucets must be a minimum 1 inch above spill lines on all fixtures</li> <li>• All household drains must connect to sanitary sewer</li> <li>• No leaking faucets or pipes</li> <li>• Unused gas lines must be capped</li> <li>• All pipes must be free from defects and obstruction, and properly supported</li> </ul>
Mechanical	<ul style="list-style-type: none"> <li>• Heating facility must be properly installed and maintained</li> <li>• Maintain 68-degree temperature when outside temp is under 60 degrees within a 24-hour period</li> <li>• Temporary heating devices shall not be used as primary source of heat</li> </ul>

# OTHER COMMITTEE CONCERNS





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- ❖ **Civil rights and due process are being honored for both the tenant and the landlord.**
  - **Ample notification**
  - **Opportunity to decline inspection (both landlord and tenant)**
  
- ❖ **Safety measures are followed for code compliance officers entering housing units.**
  - **Run a background check in LEDs**
  - **Officer is trained to leave when they feel unsafe**
  - **Establish COVID protection regulations**



# RENTAL INSPECTION PROGRAM - Proactive

## Strategies for Success

- *Involve diverse stakeholders in designing the program.* → 
- *Provide training for code enforcement staff.  
(National Center for Healthy Housing)* → 
- *Provide education, outreach and ongoing support for  
landlords and tenants.* → 
- *Implement complementary programs.  
(Funding assistance for low-income landlords, public access  
to code violation information, etc.)* → 

CITY COUNCIL WORK SESSION, AUGUST 19, 2020





# Next Steps

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## If City Council decision is to move forward:

- ❑ Develop code provisions to support the program for City Council consideration – December 2021
- ❑ Advertise proposed code amendments and program., and consideration of them at City Council meeting – January 2022
- ❑ If adopted, then clean up property owner database with Yamhill County Assessor's Office – February 2022
- ❑ Develop appropriate forms and collateral to launch the program – March 2022
- ❑ Send out a mailing to everyone on the database to inform them of the proposed code changes and program – April/May 2022
- ❑ Select first round of apartments to inspect – June 2022
- ❑ First Inspections – July 2022

# RENTAL HOUSING INSPECTION PROGRAM

## QUESTIONS?

