



CITY OF MCMINNVILLE
Code Compliance & Community Relations
231 NE FIFTH STREET
MCMINNVILLE, OR 97128
503-434-7305

www.mcminnvilleoregon.gov

Rental Inspection Program Committee
Tuesday, October 26, 2021
4:00 PM

ZOOM Online Meeting

<https://mcminnvilleoregon.zoom.us/j/97037319313?pwd=WIBkMlIXdjRPS0NsOCtEejU1WTVtdz09>

Meeting ID: 970 3731 9313

Passcode: 761011

COMMITTEE MEMBERS	AGENDA ITEM
<p>Andrew Burton Joan Drabkin Diane Longaker Katherine Martin Sal Peralta Mary Piper Vickie Ybarguen</p>	<ol style="list-style-type: none">1. Call to Order / Introductions2. Discussion (See Attachments)<ul style="list-style-type: none">• Legal Discussion with City Attorney (Civil Rights and Due Process)• Final Draft Products Review<ul style="list-style-type: none">❖ Program Briefsheet❖ Inspection Checklist❖ Notification Timeline❖ Rights of Tenants and Landlords3. Action – Recommendation to City Council (November 9, City Council Work Session, 6:00 PM)4. Committee Member Comments5. Staff Comments6. Adjournment



City of 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 of 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
- Accessibility Barriers
- 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@mcminnvilleoregon.gov
- Online: <https://www.mcminnvilleoregon.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 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.



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)

- Doors: not operational/not in sound condition/in need of repair no deadbolt lock installed / lock installed improperly double-keyed deadbolt / improper lock present (IPMC 304.15, 304.13, 304.18 & 702.3)
- Windows: broken glass, unable to lock, not easily openable and/or not capable of being held in position (IPMC 304.13)
- Heating/Ventilation System: heat source inadequate of maintaining year-round temperature of 68°, illegal heat source, inadequate bathroom, or laundry room exhaust fan ventilation inadequate kitchen exhaust fan ventilation (IPMC 403.2, 403.4, 602.2)
- Plumbing System:
 - Water heater inoperable or improperly installed (IPMC 505.4)
 - Water heater incapable of delivering at 120° F (IPMC 505.4)
 - Required plumbing fixture(s) missing (IPMC 502.1)
 - Missing/Inoperable temperature pressure relief valve (IPMC 505.4)
 - Missing/Improperly installed water heater discharge pipe (IPMC 505.4)
 - System obstructions, leaks and/or defects (IPMC 504.1 & IPMC 506.2)
 - Plumbing system presents hazard(s) to occupants (IPMC 504.3)
 - Required fixture(s) not in good working condition (IPMC 504.1)
- Electrical Systems:
 - Exposed wiring present (IPMC 604.3)
 - Cover plate(s) damaged or missing (IPMC 604.3)
 - Receptacle(s) damaged, will not hold plug, and warrant replacement (IPMC 604.3) (Must be replaced with GFCI if required per IPMC 605.2)
 - Electrical system poses hazard to occupants or structure (IPMC 604.3)
 - Dwelling unit has inadequate electrical service (IPMC 604.2)
 - Light fixture(s) inoperable, missing, or damaged (IPMC 604.3)

EXTERIOR

- Sidewalk: proper state of repair, free of hazardous conditions (IPMC 302.3)
- House numbers: missing house number (no smaller than 4 inches in height & not visible from public way (IPMC 304.3)
- Siding: missing, in significant disrepair, or signs of dry rot (IPMC 304.2)
- 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)

- Roof: leaks, not structurally sound (IPMC 304.7)
- Stairs/Handrails: in disrepair, without proper anchorage, not capable of supporting normally imposed loads. (IMPC 305.5) Handrails measured height <30” or >42” (IPMC 306.1)
- Porch/Decks: Not structurally sound (IPMC 304.10), in disrepair (IPMC 304.10), incapable of supporting normally imposed loads (IPMC 304.10)
- Detached Garage/Accessory Structure: leaning and in significant disrepair (IPMC 302.7) roof deteriorated or significant repair needed (IPMC 302.7) fencing leaning and in significant disrepair (IPMC 304.2)
- Chimneys/Towers: exposed faces of metal or wood, not structurally safe and sound. (IPMC 304.11)
- Tall grass/vegetation: tall grass over 10” high and noxious vegetation (IMPC302.4 & MMC 8.10.230)
- Garbage: Insufficient number of containers, or accumulation of rubbish/garbage. (IMPC 308 & MMC 8.10.190)
- Lighting: No lighting fixture(s) in public hallways, stairways, laundry facilities, furnace, or boiler rooms insufficient lighting in common hallways/corridors, insufficient lighting in common stairways that serve as means of egress, exposed wiring, Light fixture(s) inoperable, missing or damaged, Receptacles not GFCI protected/will not hold plug (IPMC 402.2, 604.2,604.3,605.1, 605.2)
- Motor Vehicle: inoperable, unlicensed, dismantled (IMPC 302.8 & MMC 8.10.250)

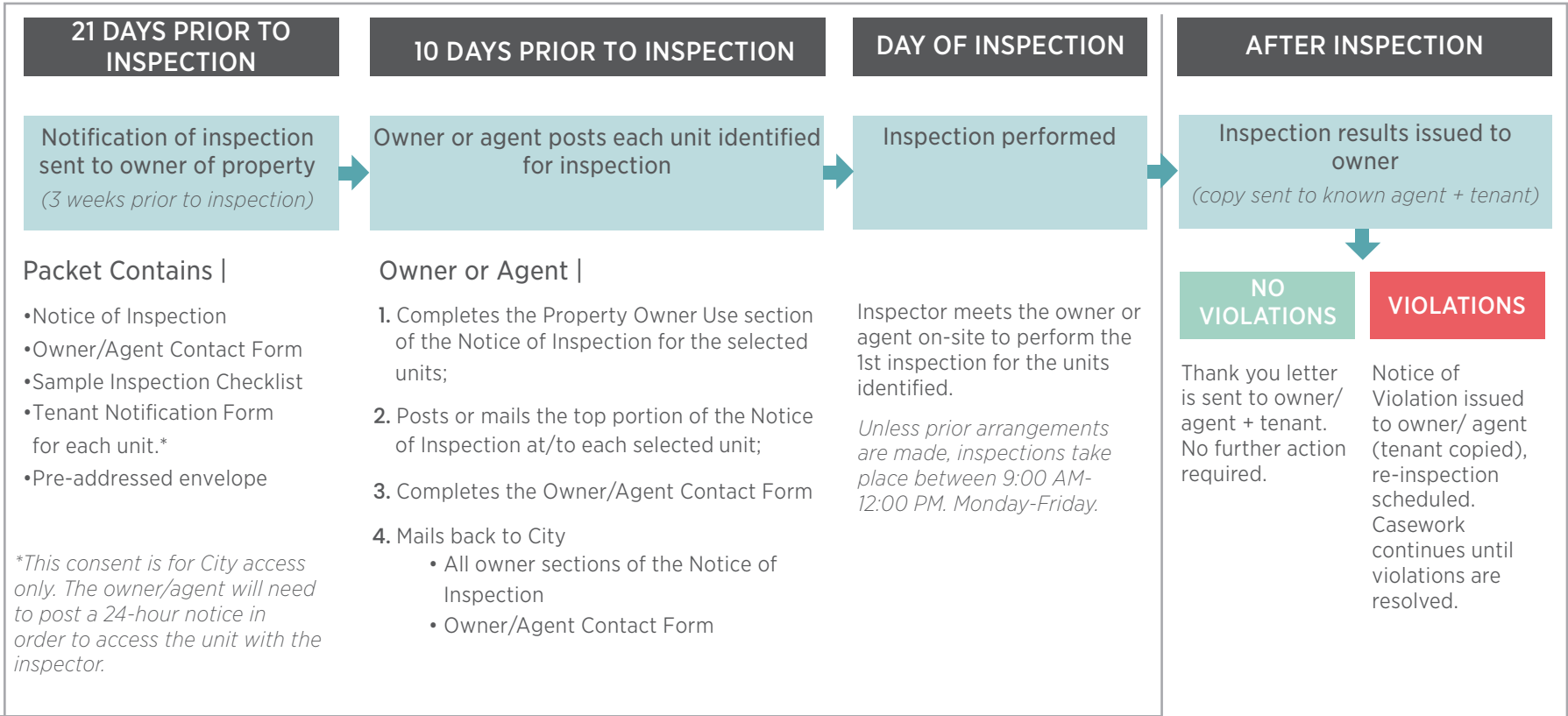
RAT HARBORAGE/PEST ELIMINATION

Structures and exterior property shall be kept free from rodent/pest harborage and infestation. Where rodents/pest are found, they shall be property 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)

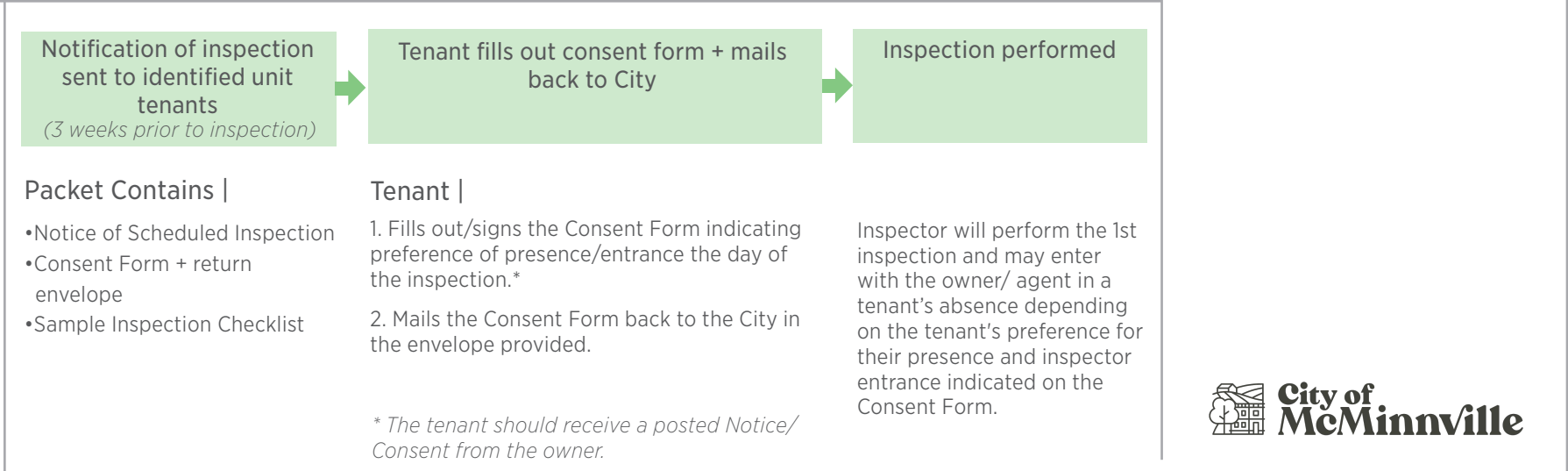
CITY OF MCMINNVILLE RENTAL HOUSING INSPECTION PROGRAM

Proactive Inspection Notification Process Timeline

OWNER/AGENT



TENANT





City of McMinnville

Rights and Responsibilities of Tenants and Landlords

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

The Landlord has the responsibility to their tenants to maintain rental units in a habitable condition. This is accomplished by ensuring rental units are livable, safe, and healthy for the tenant and following applicable City and state codes.

The Tenant has the responsibility of using the rental unit in an appropriate manner and alerting the landlord to health or safety issues in a timely manner. This includes allowing timely access to the unit to make inspections and any necessary repairs to comply with applicable City and state codes.

Landlord-Tenant Laws

Laws Protect the Condition and Maintenance of the Rental Property

Before renting, landlords and renters may want to become familiar with the state and local laws. Both state and local laws protect renters and landlords in McMinnville. These laws are designed to prevent deterioration of the quality of the rental property and to promote the health and safety of tenants in the home.

One of Oregon's most significant laws regulating rental properties is the Residential Landlord and Tenant Act (ORS 90.100-90.875). More information: Oregon State Bar at osbar.org/public/legalinfo/landlordtenant.html

McMinnville also has specific property maintenance requirements in the McMinnville Municipal Code Section "XX", " _____ " and Section 15.02.020(C), "Building Codes".

Retaliation is Against the Law

Both Oregon and Gresham prohibit retaliation by a landlord. Retaliation may include increasing rent or decreasing services, serving a notice to terminate the tenancy or bringing or threatening to bring an action for possession if a tenant lodges reasonable complaints with the landlord or City about the rental unit, testifies against the landlord in court or otherwise attempts to assert their legal rights as a tenant. More information: Oregon Revised Statute 90.385 at osbar.org/public/legalinfo/1247_RightsDutiesLandlords.htm

In addition to Oregon law, McMinnville has City code addressing retaliatory conduct by a landlord. Landlords that retaliate may be issued a fine or penalty. More information: **Chapter 15.** of the McMinnville Municipal Code.

No-Cause Evictions and Rent Increases:

The Oregon Legislature passed Oregon Senate Bill 608 in 2019, restricting no-cause evictions and rent increases. More information: Oregon State Bar, osbar.org/public/legalinfo/landlordtenant.html

If you have legal questions, contact an attorney. If you need assistance in finding an attorney to help you, contact the Oregon State Bar's Lawyer Referral Service at 503-684-3763 or Yamhill County Legal Aid at 503-472-9561.

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