City of Fairfax, Virginia

FIRE DEPARTMENT / CODE ADMINISTRATION

10455 Armstrong Street • Room 208 • Fairfax, VA 22030-3630

P 703.385.7830 • www.fairfaxva.gov/code

Dear Property Owner:

In an effort to assure conservation of residential property values in the City of Fairfax, the City Council passed an ordinance known as the Rental Occupancy Permit on June 24, 1986. Since that date, owners wishing to rent houses and townhouses have been required to obtain a Rental Occupancy Permit.

This manual describes the procedure for obtaining a permit and includes a summary of various sections of the City Code, which apply to your rental property. These code sections, which apply to all residential units in the City and have been in effect for some time, were designed to serve the interests of both residents and property owners, to protect property values, and enhance the livability of our city.

The application on page **11** of the manual and a check for the inspection fee should be mailed or brought to room 208 in City Hall. If you have questions, or if we can be of any assistance, please call us at (703) 385-7830, or by writing the address above.

Sincerely,

Steven Sites
Assistant Fire Chief of Code Administration

Who must apply:

The rental or leasing of residential dwelling units in the zoning districts where permitted, except rental apartments houses, for occupancy by person(s) who are **not** the owner(s) of such dwellings shall be permitted only after the property owner has obtained a certificate of occupancy for rental use, hereafter referred to as a rental occupancy permit.

Owners renting their house, townhouse, or condominium to a "family" in a residential zoning district (RL, RM, RH, RT-6, RT, RMF, PD-R, PD-M, and PD-C) in the City. A household is defined by the Zoning Ordinance as:

> *"*Any of the following: (a) an individual, or two or more persons related to one another by blood, marriage, or legal adoption, living together as a single housekeeping unit in a single dwelling unit; or (b) up to four unrelated persons living together as a single housekeeping unit in a single dwelling unit; or (c) up to eight mentally ill, mentally retarded, or developmentally disabled persons, with one or more resident counselors or other staff persons living together as a single housekeeping unit in a single dwelling unit, which is licensed by the Department of Behavioral Health and Development services."

Landlords residing in units with renters do not need the permit.

When to apply:

- The dwelling is a new or pre-existing rental dwelling.
- Upon a change from owner occupied dwelling to a tenant occupied unit.
- The rental use begins, or is reinstated after a lapse in use as a rental property.

Fees:

The fees for rental permits and inspections are established as part of the "Schedule of Rates and Levies" adopted each year by City Council. The Current fees are:

- Required Inspection * and all re-inspections after first re-inspection - $78
  * Required inspections are: 1) Following application; 2) every four years if there has been no intervening inspection; 3) As response to a valid complaint.

To obtain a Rental Occupancy Permit you must:

- Mail or bring the completed application (see Page 11) and $78 .00* fee payment to:

  City of Fairfax – Code Administration Office
  10455 Armstrong Street - Room 208
  Fairfax, Virginia 22030-3630

  * Fee subject to change

- Schedule an inspection of the property **prior** to any rental occupancy to insure compliance with the standards of occupancy. Please call the Code Administration Office at (703) 385-7830 to schedule an inspection of the premises.

  Any deficiencies noted during an inspection must be corrected within 10 days after receiving written notice of the violation. If corrections are not made within the prescribed time period, the Rental Occupancy Permit will not be granted; if the unit is already rented, the permit may be revoked.

- The permit will be issued after the application is completed, and any necessary inspections or corrections have been performed. The permit will be in effect until the property owner ceases to rent the property, sells the property, or the permit is revoked by an authorized city official.

Please Note: In addition to the Rental Occupancy Permit, an annual business license must be obtained by landlords from the Office of the Commissioner of the Revenue. For further information regarding the Business License, please contact that office at 703-385-7880.

City of Fairfax - Commissioner of Revenue
10455 Armstrong Street - Room 210
Fairfax, Virginia 22030-3630

- A Business License Application can be mailed to you, or you can download it from the City of Fairfax website at www.fairfaxva.gov/scripts/online/cor/BusinessLicenseIntro.asp

Building Code:

The City of Fairfax has adopted the **Virginia Uniform Statewide Building Code,** which controls all matters concerning the design, construction, alteration, addition, enlargement, repair, and maintenance of all buildings and structures. The Code includes and/or references all the standards for building plumbing, electrical, and mechanical construction work.

A permit is required prior to beginning construction or reconstruction of a building, and for all major work performed on the electrical, mechanical, or plumbing systems. The owner or contractor must secure the appropriate permits from the Building Official and provide the names of the general contractors. A building inspector will inspect the work performed under the permit to insure compliance with the Code. A permit is not required for minor repairs such as replacing switches, water faucets, and refrigeration equipment.

Smoke detectors are required in every dwelling used for rental occupancy and must be capable of sensing visible and invisible products of combustion with an audible alarm. The placement of smoke detectors is established in the Code and is subject to inspection by the Building Official.

The *owner* of each rental unit is responsible for installing smoke detectors and furnishing the tenant with a written certificate stating that all required smoke detectors are present, inspected, and in good working order. This certificate is required annually.

The *tenant* is responsible for the reasonable care of smoke detectors and for reporting to the owner the need for repairs or replacement of malfunctioning smoke detectors.

Fire Prevention Code:

The City of Fairfax has adopted the BOCA Basic Fire Prevention Code, which is applicable to all condominium rental units. The City Fire Marshall is responsible for inspections of potential fire hazards and assuring compliance from the property owner.

The City has also adopted a regulation relating to rental occupancy and fire prevention, as follows:

> "Hibachis, barbecues, braziers, grills or any gasoline or other flammable liquids or liquefied petroleum gas-fired stoves or similar devices are not permitted on any balcony. The owner of a rental unit is responsible for notifying the tenant and insuring compliance by the tenant."

Garbage and Refuse:

The *owner* of a rental unit is responsible for providing a sufficient number of trash receptacles to contain all garbage, trash, and ashes. These receptacles must be maintained in good order and repair, be provided with tight covers, and be water tight, rodent-proof, and insect-proof.

The *tenant* is responsible for storing refuse prior to collection and for placing the containers in a safely accessible location not more than 150 feet from the nearest curb or pick-up point. Empty containers must be returned to their original location by the tenant on the same day as the pick-up.

Health, Safety and Sanitation:

A public health or safety menace is any hazard or condition which might cause an injury or endanger the health of the general public. It includes, but is not limited to:

* Unburied dead animals
* Accumulations of water that may cause insect breeding
* Unsanitary disposal of sewage, trash, or other waste matter
* Unsafe or unsanitary accumulations of animals
* Open wells or pits
* Trees or branches in danger of falling
* Discarded refrigerators or freezers with doors attached
* Unsecured vacant structures
* Rodent or insect infestations

If the occupant receives a violation notice from the Zoning Inspector or Health Officer, he must eliminate the specific menace within 10 days of receiving the notice.

The owner of the property is also responsible for eradicating such menaces. The Rental Occupancy Permit may be jeopardized if either the owner or tenant fails to eliminate the public health and safety menace. In addition, if the owner/tenant does not respond, the City will be forced to eliminate the menace, and the cost of the work will be charged to the property owner.

The City Code requires the occupant or the owner of the property to maintain the rental property, so that grass and weeds do not attain a height in excess of 12 inches. The Director of Public Works is responsible for giving written notice requiring that grass and weeds in excess of 12 inches be cut within 10 days of the notice.

Housing Standards:

A dwelling unit, before being occupied, must:

1. Contain a kitchen sink in good working condition, properly connected to an approved water and sewer system.

2. Contain a private room, which is equipped with a flush toilet and a lavatory basin in good working condition, and is properly connected to an approved water and sewer system.

3. Contain within a private room, a bathtub or shower in good working condition, properly connected to an approved water and sewer system.

4. Include a kitchen sink, lavatory basin, and bathtub or shower, which are properly connected to hot and cold water.

5. Supply water heater(s) which are properly installed, safe, and in good working condition and which permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower, at a minimum temperature of 110° Fahrenheit.

6. Contain a stove, oven, and refrigeration facilities capable of maintaining food at 45° Fahrenheit or less.

Standards for Light, Heating and Ventilation:

1. Every habitable room (a room used or intended to be used for living, sleeping, and eating, excluding kitchens, bathrooms, closets, etc....) must have at least one window or skylight facing directly to the outdoors. The minimum total window and door glass area for each habitable room must constitute 8% of the floor area of the room. One window (half of the required area of glazing shall be openable) is required for each habitable room, and the total openable window area must be equal to at least 45% of the minimum area size.

2. Each residence must have a properly maintained and safe heating system which adequately heats all habitable rooms and bathrooms to a temperature of at least 65° Fahrenheit from 6:30 a.m. until 10:30 p.m. and not less than 60° Fahrenheit all other hours. This applies during the period from October 1 to May 15.

3. Every sleeping room shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside to a full clear opening without the use of separate tools. Where windows are provided as means of egress or rescue, they shall have a sill height of not more than 44 inches above the floor. All egress or rescue windows from sleeping rooms must have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches.

4. No window is required in bathrooms and kitchens that are equipped with an approved ventilation system kept in continuous operation when the room is in use.

5. Screens are required on all openable windows. Doors which are used as a component of the required ventilation area must also be provided with screens.

6. Basement or cellar windows (and other similar openings) must be supplied with screens or some other device that will prevent rodents from entering the building.

Standards for Space, Use and Location:

1. Each residence must contain the following amount of habitable floor space for occupants over 7 years of age:

   a. 150 square feet for the first occupant; and
   b. 100 additional square feet for every additional occupant over 7 years of age.

   For occupants under 7 years of age, every residence must contain:

   a. 150 square feet of floor space for the first two occupants; and
   b. 70 additional square feet for each additional occupant.

2. In residences with two or more rooms, each room used for sleeping by people over 7 years of age must have a window for emergency escape and:

   a. A minimum of 70 square feet of floor space if occupied by just one person; and
   b. A minimum of 100 square feet of floor space if occupied by two persons.
   c. A minimum of 50 square feet of floor space per person if occupied by three or more persons.

   For occupants under 7 years of age, the space requirements for children in the preceding standard (#1) apply.

3. An occupant cannot be required to pass through one sleeping room to access another sleeping room or bathroom.

4. Kitchens, bathrooms, toilet rooms, closets, halls, storage or utility spaces shall not be occupied for sleeping purposes.

5. Each residence must meet the following minimum area requirements based on the number of occupants:

Living Room/Dining Room:	1 or 2 persons	No Requirements
	3 to 5 persons	120 sq. ft. (living) 80 sq. ft. (dining)
Living Room/Dining Room:	6 or more persons	150 sq. ft. (living) 100 sq. ft. (dining)

   (The living room and dining room may be combined into a single room having an area equal to the sum of the required space for individual rooms.)

Kitchen:	1 to 5 persons	50 sq. ft.
	6 or more persons	60 sq. ft.

6. At least one-half of the floor area of every habitable room must have a ceiling height of at least 7 feet, 4 inches. Where the ceiling height is less than 5 feet, the corresponding floor area will not be considered as part of the total floor area determining maximum permissible occupancy.

7. No cellar space is permitted as a habitable room.

8. No basement space is permitted as a habitable room unless:

   a. The floors and walls are impervious to water and insulated against dampness; and
   b. The total window area in each room is equal to at least the minimum above ground window and ventilation requirements.

9. Each residence must have an openable, safe, and unobstructed means of egress leading to a safe and open space at ground level.

Standards for Safe and Sanitary Maintenance:

1. The building (foundation, floors, walls, roof, etc) must be watertight, weatherproof, rodent-proof and kept in good repair. Good repair includes reasonable protection of the exposed interior and exterior surfaces and sanitary maintenance. Any portion of the building below grade must be kept dry and free of standing water.

2. All windows, doors and basement hatchways must be reasonably weather tight, water tight, and rodent-proof, and kept in good repair.

3. Stairs, porches and all appurtenances must be capable of supporting all loads in normal use, safe to use, and kept in good repair.

4. The plumbing system and fixtures must be properly installed and maintained in good sanitary working condition free from defects and leaks.

5. All bathrooms and water closets must have a floor surface which is reasonably impervious to water and easily kept clean and sanitary.

6. All utility services (e.g. water, gas, electricity) must be installed and maintained in safe and satisfactory working condition. Utilities which are required may not be shut off except during repairs or emergencies.

7. The residence and yard must be maintained to eliminate safety hazards (e.g. open wells, pits, unsafe stairs, and dilapidated outbuildings).

Occupants are Responsible for:

1. Keeping the residence and yard clean and sanitary.

2. Keeping the plumbing fixtures clean and sanitary and using them with reasonable care.

3. Hanging all screens (supplied by the owner) unless otherwise agreed.

4. Exterminating all insects, rodents or vermin on the premises.

5. Using the provided facilities for drainage and keeping them free from obstructions so that the premises are free from the accumulation of rain, waste and surface water.

6. The tenant of any rented dwelling unit shall be responsible for the reasonable care of smoke detectors provided by the owner, in accordance with Virginia Code section 55-248.16, for the interim testing thereof, and for providing written notice to the owner requesting immediate repair of any malfunctioning smoke detector.

Owners are Responsible for:

1. Keeping the dwelling in a rodent-proof and reasonably insect-proof condition.

2. Providing rodent and insect-proof receptacles to contain all garbage. These garbage receptacles must be easily cleanable, watertight, provided with tight covers and be in good order and repair.

3. The owner, or the agent of the owner, of any dwelling unit which is rented, shall furnish to the tenant at the beginning of each tenancy, and at least annually thereafter, a written certificate that all smoke detectors required by section 5-136 are present, have been inspected, and are in good working order.

Police Ordinance:

Illegal criminal behavior of the tenant resulting in court conviction will endanger the owner's occupancy permit. Prosecution of the criminal behavior by the police will be a separate action, but any continuing police problems with tenants will be cause for revocation of the Occupancy Permit.

In the past, the most frequent neighborhood complaint made to the Police Department has been excessive noise caused by tenants. The owner will be required to correct the problem of noisy tenants when several problems continue after the police have handled the initial complaint. Excessive noise is defined as any loud, unnecessary or unusual noise caused by horns, radios, televisions, phonographs, yelling, shouting, animals, steam whistle, and exhaust; also, noises caused by a defect in a car or motorcycle, the construction or repairs to buildings (unless between the hours of 7:00 a.m. and 6:00 p.m.), and the operation of loud tools or mechanical devices, between the hours of 10:00 p.m. and 7:00 a.m**. If the tenant receives three (3) warnings from the police regarding the noise violation, the Rental Occupancy Permit may be revoked. The owner will be notified each time a warning for noise is issued.**

Serving Persons with Disabilities:

The City of Fairfax is committed to a policy of nondiscrimination in all City programs, services and activities and will provide reasonable accommodations upon request. Call the Office of Code Administration to request special assistance in complying with the Rental Occupancy Permit requirements.

City of Fairfax Fire Department

CODE ADMINISTRATION-FIRE MARSHAL OFFICE

10455 Armstrong Street • Room 208 • Fairfax, VA 22030-3630

Phone 703.385.7830 • **E-mail** codeadministration@fairfaxva.gov

www.fairfaxva.gov/government/code-administration

RENTAL CERTIFICATE OF COMPLIANCE APPLICATION

INSTRUCTIONS: This application must be completed in its entirety (type or print legibly), sign, date, and return to the Office of Code Administration by either e-mail (codeadministration@fairfaxva.gov) or by US mail. A separate application is required for each rental unit. **Owner or agent must be on site during inspection.**
If paying by check, mail this form and payment of $78.00 made out to the City of Fairfax.
Address: City of Fairfax Office of Code Administration #208
10455 Armstrong St.
Fairfax, VA 22030.
For on-line payments or assistance with your application, please contact our office at (703)-385-7830.

Rental Property Address _____

Name of the owner _____

Owner Address _____

City or Town:_____State_____Zip_____ Country: _____

Home Phone _____Cell Phone_____Other Phone: _____

Email _____

Name of rental/Maintenance Agent (if any) _____

Address _____Phone _____

Email_____

Acknowledgment

I (owner/agent) certify that I have read and understand the above and that the rental property complies with all applicable state and local regulations, including the Building Code, Fire Prevention Code, Health, Safety and Sanitation Ordinance, Housing Standards and Regulations. I further certify that I have received the Rental Property Manual. I understand that the Code Official shall inspect the dwelling unit, grounds, and accessory structures. I understand that the rental certificate must be renewed every four (4) years and it may be revoked if the property *does not* comply with the applicable codes.

Name of Owner/Agent (print) _____Date_____

Signature of Owner/Agent _____

Office Use Only:

- Is this property the primary residence. Yes_____No_____
- Owner resides at this address. Owner rents only a portion of the home. Yes_____No_____
- Is this property occupied by a family member, and owner *does not* receive monetary compensation. Yes_____No_____
- Is there a VA licensed Property Maintenance Service Yes_____No_____

DIRECTORY OF IMPORTANT TELEPHONE NUMBERS

Code Administration (Building Inspections) 703-385-7830

Business Licenses 703-385-7884

Fire Marshal……. 703-385-7830

Health and Safety Problems… 703-385-7810

Information (General) 703-385-7855

Police (non-emergency) 703-385-7924

Rental Occupancy Permits 703-385-7830

Sanitation Problems… ..... (Health Department)…703-246-2444

Standards for Residences 703-385-7830

Zoning Information… 703-385-7820

SMOKE DETECTOR TESTING CERTIFICATE

Smoke detectors are required in **every** dwelling used for rental occupancy and must be capable of sensing visible and invisible products of combustion with an audible alarm. The placement of smoke detectors is established in the Code and is subject to inspection by the Building Official.

Property Address:_____

Property Owner:_____

Owner Responsibility: The **owner** of each rental unit is responsible for installing smoke detectors and furnishing the tenant with a written certificate stating that all required smoke detectors are present, inspected, and in good working order. **This certificate is required annually.** The owner must maintain a record of the installation and testing of the smoke detectors. These records shall be made available to the Building Official.
Smoke Detectors shall be replaced every ten (10) years.

Number of Smoke Detectors:_____ **Test Date:**_____

Type of Power Supply: _____**Battery /** _____**AC /** _____**Both**
Tenant Name:_____

Inspected By:_____

Tenant Responsibility: The **tenant** is responsible for the reasonable care of smoke detectors and for reporting to the owner the need for repairs and for replacement of malfunctioning smoke detectors. Please initial below each month you inspect the smoke detector. **Monthly inspection is performed by the tenant.**

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC