

ORDINANCE 88-40

TO AMEND TITLE 16 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED "HOUSING INSPECTION"

WHEREAS, knowledge of the Bloomington Housing Code would benefit the health, safety and welfare of the residents of Bloomington; and

WHEREAS, it is in the best interests of the residents of Bloomington to require that a summary of the Bloomington Housing Code be sent to each rental unit at or before a change in occupancy; and

WHEREAS, this ordinance would effectuate that interest;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

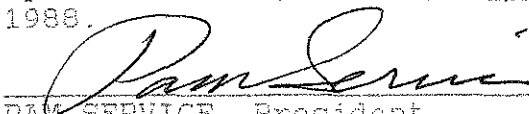
SECTION I. Section 16.12.050 Disclosure shall be amended to add the following subsections:

(d) In addition, the owner or owner's agent shall provide to each tenant, at or before the commencement of occupancy, a summary of the tenants' and owners' rights and responsibilities, in such form as shall be prescribed by the Housing Code Enforcement Officer. For purposes of this subsection, it shall be sufficient if the owner furnishes one (1) copy of the summary to each rental unit at or before each change in occupancy and obtains the signatures of the parties to the contract on the summary.

(e) The Housing Code Enforcement Office shall furnish, upon request, to each registered owner or owner's agent of rental property subject to this chapter a copy of the Bloomington Housing Code. The Housing Quality ordinance and a sufficient number of copies of the summary required by subsection (d) of this section shall be provided to each owner or owner's agent to permit distribution of the summary to each rental unit. Owners shall contact the Housing Code Enforcement Office for additional copies as needed. The Housing Code Enforcement Office shall make available additional copies of the summary as owners need them. Owners who first register rental property after the effective date of this subsection shall be furnished the Housing Quality ordinance at the time of registration. Owners already registered on the effective date of this subsection shall be furnished the Housing Quality ordinance no later than the time of the next cycle inspection.

SECTION II. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 7 day of December, 1988.


PAM SERVICE, President
Bloomington Common Council

ATTEST:


PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington,
Monroe County, Indiana, upon this 8 day of December,
1988.

Patricia Williams
PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 8 day of December,
1988.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance, sponsored by Council President Pam Service, amends Title 16 of the Bloomington Municipal Code to require that the Housing Code Enforcement Office supply summaries of the tenants' and owners' rights and responsibilities to rental unit owners in sufficient numbers to allow the owners to distribute the summary to each rental unit at or before a change in occupancy. The Housing Code Enforcement Office must also supply owners with a copy of the Housing Quality ordinance.

SUMMARY OF TENANTS' & OWNERS' RIGHTS & RESPONSIBILITIES

The Housing Code applies to most Bloomington rental units. To remain licensed, owners must comply with the Code which sets standards for rental property. The City's Housing Code Enforcement Office inspects rental property on a regular cycle. But if it appears that a rental unit does not meet Code standards, an off-cycle inspection may be requested by calling 331-6420. Owners cannot legally evict tenants for requesting off-cycle inspections. Only selected rights and responsibilities are summarized below, but no rights protected by the Code can be taken away by signing a contract.

HABITABILITY. Under Indiana law, rental units must be habitable. This includes, among other things, heat, hot and cold running water, a leak-free roof, adequate electrical wiring, locks, toilet and bathing facilities, and appliances that work. Garbage disposals, air conditioners, dishwashers, etc. are not required, but if those appliances are present the owner must maintain them. To facilitate communication, owners must inform their tenants, in writing, of the owner's or agent's name and address.

TENANT RESPONSIBILITIES. Tenants are responsible for maintaining cleanliness and for cooperating in eradication of vermin infestation. The owner should be notified immediately of any signs of infestation. Otherwise, the tenant may be required to arrange and pay for extermination. Tenants must comply with all local ordinances, such as noise control and refuse removal. Excessive noise is not permitted at any time. Particularly, music, live or recorded, that is audible outside the immediate premises violates the noise ordinance and the police will respond to complaints from neighbors. Refuse may not be placed at the curb more than 24 hours prior to scheduled pickup; containers must be removed from the curb before the end of the collection day.

JOINT INSPECTIONS. The City has an interest in assuring that Bloomington's rental units do not deteriorate. Owners want to protect their investments. Tenants want a decent place to live and a timely return of their damage deposit. Damage deposits are often required to ensure that tenants leave a rental unit in as good a condition as they found it. THE RIGHT TO A JOINT INSPECTION IS A BASIC PROTECTION FOR ALL PARTIES. The joint inspection documents an apartment's condition at the beginning of occupancy to compare with the condition at the end of occupancy. Despite any instructions to the contrary, this includes dirt as well as damage. A joint inspection facilitates proper disposition of the damage deposit.

The owner has a duty to set up a joint inspection within ten days of a change of occupancy. At each inspection an inventory and damage list must be completed, signed and retained by both parties. Tenants must cooperate in scheduling inspections. If the owner cannot contact a tenant, s/he may notify the tenant by mail, at least two days in advance, of the inspection date and time. If the tenant cannot be reached or does not appear at the scheduled time, the owner may complete the inventory and damage list without the tenant's presence or signature. If an owner does not initiate a joint inspection, tenants should request one. If an owner does not respond, tenants may execute their own inspection report. It should be dated; one copy should be retained and one mailed to the owner. At the end of occupancy, if the parties agree on the amount to be withheld from a damage deposit, the remainder must be refunded within thirty (30) days.

TENANT(S) MUST SIGN AND DATE THIS SUMMARY. A COPY OF THIS SUMMARY AND OF THE JOINT INSPECTION SHOULD BE RETAINED.

_____	_____	_____
Date	Tenant's signature	Tenant's signature
_____	_____	_____
Date	Tenant's signature	Tenant's signature
_____	_____	_____
Date	Tenant's signature	Owner's or Agent's signature

FOR MORE INFORMATION OR TO OBTAIN A COPY OF THE HOUSING CODE OR HOUSING QUALITY ORDINANCE, CONTACT: Housing Code Enforcement Office, 220 East Third Street, 331-6420.