

**TAYLORSVILLE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**MEETING DATE:** August 13, 2014

**AGENDA ITEM:** Discussion concerning the Taylorsville Good Landlord Program

**PRESENTER:** Mark McGrath

**SUMMARY:** Last week the City Council requested an update on Taylorsville's Good Landlord Program and residential rental licensing practices. Staff will discuss our current ordinance, implementation policies, and experiences with the program since its adoption in 2010.

For your information, attached is our current Residential Dwelling Unit licensing ordinance.

## CHAPTER 5.76

**RENTAL DWELLING UNIT**

## SECTION:

5.76.010: Definition  
 5.76.020: License Requirements  
 5.76.030: Application For License  
 5.76.040: License Fee  
 5.76.045: License Fee For Family Rentals  
 5.76.050: Multiple Licenses  
 5.76.060: Good Landlord Program  
 5.76.070: Review Process  
 5.76.080: Minimum Requirements For Participants In The Good Landlord Program  
 5.76.090: Lease Agreement  
 5.76.100: Consent To Enter  
 5.76.110: Effect Of License Issuance  
 5.76.120: Appeals Of The Provisions Of The Good Landlord Program

5.76.010: **DEFINITION:**

"Rental dwelling unit" means a building or portion of a building that is used or designated for use as a home or residence by one or more persons and available to be rented, loaned, leased, or hired out, with or without consideration, for a period of one month or longer or arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one month or longer, whether or not an owner, agent, or rental manager is in residence. (Ord. 10-33, 11-10-2010)

5.76.020: **LICENSE REQUIREMENTS:**

- A. It is unlawful for any person, as an owner, lessee, or agent thereof, to own, operate, or maintain any rental dwelling unit within the city without a valid license issued pursuant to this chapter.
- B. If there is more than one owner, including purchasers under contract, each owner shall be jointly and severally liable to obtain the business license for a rental dwelling unit.
- C. A business license for a rental dwelling unit is not transferable between persons or structures.
- D. A business license for a rental dwelling unit shall not be required for a rental dwelling unit which is ordinarily owner occupied but is temporarily rented because:

1. The owner is placed in a hospital, nursing home, assisted living facility, or other similar facility; or

2. The owner has a bona fide, temporary absence of three (3) years or less for activity as temporary job assignments, sabbaticals, or voluntary service. Indefinite periods of absence from the dwelling shall not qualify for this exemption.

3. As used in this subsection, "owner occupancy" means:

a. A retired person who possesses fifty percent (50%) ownership or more in the dwelling and said dwelling is the primary residence of such person; or

b. A family trust created for the primary purpose of estate planning by a trustor who created the trust, placing the dwelling in such trust, and whose primary residence is such dwelling. (Ord. 10-33, 11-10-2010)

**5.76.030: APPLICATION FOR LICENSE:**

Applications for a rental dwelling license shall be made in writing on forms provided by the city, which shall contain, at a minimum, the following information:

- A. The street address of all buildings containing rental dwellings,
- B. The number of buildings and the number of rental dwelling units in each building,
- C. The maximum number of occupants per unit, and
- D. A signed statement certifying that all such rental dwelling units comply with applicable safety and building code. (Ord. 10-33, 11-10-2010)

**5.76.040: LICENSE FEE:**

The annual license fee for rental dwelling units shall be specified in section 5.06.040 of this title. A disproportionate service fee shall be paid for each rental dwelling unit as specified in section 5.06.040 of this title. Participants in the good landlord program

shall be eligible for a discount on such disproportionate fee. Any owner or authorized agent of a rental dwelling unit may apply for admission into the good landlord program. (Ord. 10-33, 11-10-2010)

**5.76.045: LICENSE FEE FOR FAMILY RENTALS:**

The annual license fee for rental dwelling units rented to family members shall be specified in section 5.06.040 of this title, provided the owner of the rental dwelling unit satisfies the requirements of section 5.76.080 of this chapter, certifies that the rental is to a family member, and executes and delivers a good landlord program agreement. For purposes of this section, "family members" shall mean people related by blood, marriage, or adoption. (Ord. 12-07, 4-25-2012)

**5.76.050: MULTIPLE LICENSES:**

Owners of multiple rental dwelling units or multiple buildings containing rental dwelling units shall be required to obtain only one regulatory business license for the operation and maintenance of those rental dwelling units. (Ord. 10-33, 11-10-2010)

**5.76.060: GOOD LANDLORD PROGRAM:**

The city shall establish a good landlord program that provides discounts toward the participant of certain business licensing fees to owners of rental dwelling units who actually implement a good landlord program to control and prevent illegal activity in rental dwelling units and keep their properties free of code violations. In order to participate in the good landlord program, the

applicant must complete the landlord worksheet, execute and deliver a good landlord program agreement, satisfy the requirements of section 5.76.080 of this chapter, and attend and complete a landlord training program that is acceptable to the city every two (2) years. Said training shall be preapproved by the license official and issue an official certificate of participation. Refresher courses may substitute for full training sessions every other two (2) year period. Full training sessions shall be a minimum of four (4) full hours of class time and refresher courses shall be a minimum of two (2) full hours of class time. First time applicants and new owners shall be required to attend and complete such program within six (6) months of the date of application. If through change in employment or ownership of the rental property the attendee of the required training program becomes no longer associated with the said rental property, a new representative of the property shall be required to attend an authorized good landlord training program within three (3) months of the change. (Ord. 10-33, 11-10-2010)

**5.76.070: REVIEW PROCESS:**

- A. The discount provided herein is conditioned upon the owner's compliance with the requirements of the good landlord program during the term of the licensing year for which the discount is granted.
- B. If it is determined that an owner, lessee, or agent of a rental dwelling unit, is not in compliance with the requirements of the good landlord program during any portion of the licensing period for which the discount was given, the owner, together with all his rental dwelling units, shall be disquali-

fied from the program and the discount shall be disallowed and the owner shall be required to pay the full fee for each rental dwelling unit listed on their license application for the year of disqualification.

- C. After disqualification, the owner may resubmit an application to participate in the good landlord program for the next licensing year, only if the owner has corrected the problems leading to the disqualification and paid all amounts due with respect to the disqualification. (Ord. 10-33, 11-10-2010)

**5.76.080: MINIMUM REQUIREMENTS FOR PARTICIPANTS IN THE GOOD LANDLORD PROGRAM:**

Participants in the good landlord program shall operate and manage rental dwelling units in accordance with the following requirements:

- A. Provide at least one operable sink, toilet, tub, and shower, free from leaks and in a sanitary condition with hot water of at least one hundred ten degrees Fahrenheit (110°F).
- B. Provide at least one operable smoke detector for each room that is occupied or intended for sleeping purposes.
- C. Provide operable heating facilities sufficient to adequately heat the rental dwelling unit to a temperature of at least seventy two degrees Fahrenheit (72°F).
- D. Provide kitchen facility with at least one operative sink, free from leaks

- with hot water of at least one hundred ten degrees Fahrenheit (110°F) and cooking oven or stove.
- E. Provide and maintain windows in working order with operable locks and free from cracks or breaks in the glass. Windows shall fit the window openings and be weathertight.
- F. Assure that the rental dwelling unit is free from insects, termites, and rodents and be responsible for pet control measures when necessary.
- G. Provide adequate locks to all exterior doors.
- H. Provide and maintain appropriate garbage receptacles.
- I. Maintain paint, siding, stucco, brick, etc., in good repair, free from peeling, holes, or cracks.
- J. Maintain sidewalks, driveways, and walkways in good repair, free from unsafe conditions.
- K. Maintain fences in good repair, free from graffiti, peeling paint, damage, and able to stand upright as designed without propping or additional support.
- L. Provide at least two (2) hard surface off street parking spaces for each rental dwelling unit. Such off street parking shall not be on landscaping.
- M. Assure that the rental dwelling unit is in compliance with the requirements of this code.
- N. Assure that the rental dwelling unit is not a "nuisance" as defined in title 9, chapter 9.08 of this code.
- O. Require criminal background checks for each new tenant over eighteen (18) years of age.
- P. Assure that landlord will pursue prompt eviction of any tenant for violation of any of the provisions of this chapter.
- Q. Initiate prompt eviction where legally permissible of any tenant for committing any crime related to property damage, illegal drug sales or trafficking, prostitution, violence of any kind, assault, or crimes involving weaponry.
- R. Encourage annual meetings for rental dwelling tenants, initiated by the rental dwelling owner or the owner's agent, to discuss tenant concerns and review rental dwelling licensing rules.
- S. Assure no tenant will be retaliated against as a result of reporting violations of a lease agreement, rental dwelling management agreement, or this code. (Ord. 10-33, 11-10-2010)
- 5.76.090:     **LEASE AGREEMENT:**
- All landlords participating in the good landlord program shall execute a lease agreement that includes a provision or addendum that explains the provisions and requirements of the program. (Ord. 10-33, 11-10-2010)
- 5.76.100:     **CONSENT TO ENTER:**
- Upon reasonable cause, the city or its authorized representative shall investigate reports of violations to the provisions of the good landlord program. Submitting an application to participate in the good landlord

program constitutes irrevocable consent to the city and its authorized representatives to enter such rental dwelling units and make an inspection to enforce provisions of this chapter. The city or authorized representative shall provide the property owner or property owner's representative a minimum of twenty four (24) hours' prior notice before the inspection. Prior notice shall be in writing and delivered via certified mail. (Ord. 10-33, 11-10-2010)

- B. The administrative law judge after proper review of the decision by the license official may affirm, reverse, or alter the decision of the license official. (Ord. 10-33, 11-10-2010)

**5.76.110: EFFECT OF LICENSE ISSUANCE:**

The issuance of a rental dwelling unit license shall not have the effect of changing the legal status of a rental dwelling, including, but not limited to: a) legalizing an illegally created dwelling unit, use, or other circumstances; or b) recognizing the non-conforming use, structure, or other nonconformity. (Ord. 10-33, 11-10-2010)

**5.76.120: APPEALS OF THE PROVISIONS OF THE GOOD LANDLORD PROGRAM:**

- A. Any person shall have the right to appeal to the administrative law judge any decision rendered by the license official regarding any provision of the good landlord program. Such appeal must be submitted in writing within fourteen (14) calendar days of the license official's decision stating the reason for the appeal and requesting a hearing before the administrative law judge. Upon receipt of the appeal request the administrative law judge shall set a date for a public meeting to consider the request.