

Bill No. G-15-05

Ordinance No. G-16-02

ORDINANCE ADOPTING CHAPTER 160: RENTAL HOUSING CODE

WHEREAS, the City Administration and the City of New Albany Common Council (hereinafter "Council") has reevaluated its ordinances with regard to the applicability of various issues with respect to rental housing in the City of New Albany;

WHEREAS, the City Administration and the Council feels that the City's ordinances concerning rental housing in the City needs implemented;

WHEREAS, the City's residents and property owner's should have clear standards and guidelines for rental housing in the City;

THEREFORE, the City Administration and the Council desires to implement certain standards for rental housing in the City;

NOW, THEREFORE, BE IT ORDAINED BY THIS COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA that:

The following shall be enacted as Chapter 160 of the City of New Albany Code of Ordinances effective on passage of this ordinance:

(Exhibit A)

SO ORDAINED by this Common Council of the City of New Albany, Indiana, this

17th day of March, 2015.

**COMMON COUNCIL OF THE
CITY OF NEW ALBANY, INDIANA**


Pat McLaughlin, President

Attested by:


Vicki Glotzbach,
New Albany City Clerk

CERTIFICATE OF PRESENTATION TO MAYOR

The undersigned hereby certifies that on the 18th day of March, 2016, the above Ordinance was PRESENTED by me, as the duly elected Clerk of the City of New Albany, Indiana, to the Mayor of the City of New Albany, Indiana.

Vicki Glotzbach
Vicki Glotzbach,
New Albany City Clerk

APPROVAL BY MAYOR

The undersigned, as of this 18th day of March, 2016, and as the duly elected Mayor of the City of New Albany, Indiana, hereby APPROVES the above Ordinance as authorized by the provisions of IC36-4-6-16 and as evidenced by my signature affixed below.

Jeff Gahan
JEFF GAHAN, Mayor of the City of
New Albany, Indiana

Attested by:

Vicki Glotzbach
Vicki Glotzbach,
New Albany City Clerk

CHAPTER 160: RENTAL HOUSING

Registration Program

160.01 Purpose

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REGISTRATION AND INSPECTION PROGRAM

§ 160.01 PURPOSE.

The purpose of this chapter is to provide for the registration and inspection of rental residential property and to facilitate the prevention and correction of violations of laws and ordinances pertaining to rental residential property so as to protect property values, the public health, safety and welfare of the people of the city including, but not limited to, the following:

(A) To protect the public health and safety by insuring rental units comply with the city's building codes, property maintenance codes and all other applicable regulations adopted by the State of Indiana or other governmental agency.

(B) To protect the character and stability of residential neighborhoods.

(C) To correct and prevent housing conditions that adversely affect or are likely to adversely affect safety, general welfare and health of the persons occupying dwellings.

(D) To prevent the overcrowding of rental units.

(E) To facilitate the enforcement of minimum standards for maintenance of existing residential buildings and thus to prevent slums and blight.

(F) To preserve the value of property, land, and buildings throughout the city.

§ 160.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT. Every person at least 18 years of age or younger if emancipated.

DWELLING UNIT. The abode of a family; a single unit providing complete, independent facilities for the exclusive use of the household, including permanent provisions for living, sleeping, eating, cooking and sanitation.

FAMILY. Includes all of the following:

(1) An individual;

(2) Two or more individuals related by genetics, marriage, legal adoption, foster care or guardianship, or other comparable relationship established by law; or

(3) Five or fewer individuals who constitute a relatively permanent functioning group living as a single housekeeping unit.

HABITABLE ROOM. Any room meeting the requirements of this chapter for sleeping, living, or dining purposes excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage places, utility rooms and similar spaces.

HOMESTEAD EXEMPTION. Means an individual's principal place of residence which: the individual owns; the individual is buying under a contract, recorded in the county recorder's office; that provides that the individual is to pay the property taxes on the residence; the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216 as may be amended) of a cooperative housing corporation; or is a residence described in IC 6-1.1-12-17.9 (as may be amended) that is owned by a trust if the individual is an individual described in IC 6-1.1-12-17.9 (as may be amended).

MULTI-FAMILY DWELLING. A residential building designed for, or modified to accommodate, more than one independent rental unit.

OCCUPANCY PERMIT. A permit allowing an owner to lease, rent, or otherwise use premises by tenants.

OWNER. Any person having a legal or equitable title in a rental building or premises.

PERSON. A corporation, firm, partnership, association, organization or any group acting as a unit, as well as a natural person. References in the masculine gender include the feminine and the neuter, in the present tense include the future, and the singular includes the plural.

PREMISES. A lot, plot or parcel of land containing a rental building or rental unit.

REGISTRATION PERMIT. The permit issued by the city upon registration of each rental unit.

RENTAL BUILDING. A building containing one or more rental units.

RENTAL HOUSING CODE. Sections 160.30 through 160.47 of this chapter.

RENTAL HOUSING OFFICER. That municipal officer charged with the primary responsibility of enforcement of the provisions of this chapter. As set out in § 160.12 hereof, the City Building Commissioner shall serve as the Rental Housing Officer.

RENTAL PERMIT. The form issued by the City to an Owner upon completing the necessary documentation regarding a Rental Unit.

RENTAL UNIT. Any rented dwelling unit or rooming unit which does not have a homestead exemption on the property.

RENTAL UNIT COMMUNITY. This shall mean one (1) or more parcels of contiguous real property upon which are located one (1) or more structures containing rental units, if: (1) the combined total of all rental units in all of the structures is five (5) or more rental units; and (2) the rental units are not occupied solely by the owner or the owner's family.

ROOMING HOUSE. Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not related by blood or married.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

TENANCY AGREEMENT. Includes all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a rental unit.

TENANT. Any person entitled to occupy a rental unit under a tenancy agreement to the exclusion of others.

§ 160.03 COMPLIANCE REQUIRED; APPLICATION OF CHAPTER.

(A) No person shall occupy or maintain a rental unit within the city unless in accordance with the provisions of this chapter. This chapter applies to all rental units located within the city, but shall not apply to the following:

(1) Occupancy in a single-family, owner occupied dwelling unit with a homestead exemption.

(2) Occupancy in a "group home" or "institutional residential" as those terms are defined by State Statute

(3) Occupancy in federally subsidized and owned housing complexes which have multiple on-site units and which are owned and maintained by the federal government or local housing authority, or scattered site Section 8 housing units administered by a local housing authority.

(4) Occupancy by the purchaser of a dwelling unit under a recorded contract of sale.

(5) Occupancy in a dormitory owned by Indiana University Southeast or other institute of higher learning.

(6) Transient occupancy in a hotel, motel or other similar lodging.

(B) It shall be the responsibility of each person owning or operating a dwelling unit that said person claims is exempt from this chapter to produce such documentation or other information as may be requested by the Rental Housing Officer or his designee so as to permit the Rental Housing Officer or designee to determine whether said dwelling unit is exempt.

§ 160.04 REGISTRATION OF RENTAL UNITS REQUIRED.

(A) No owner of real estate within the city shall use said real estate for the purpose of erecting or maintaining a rental unit thereon after January 31, 2017, without registering each rental unit with the city and obtaining a Rental Permit. All existing rental units shall be registered and obtain a Rental Permit with the City by January 31, 2017. The registration shall be affected by furnishing to the city a complete and accurate application upon forms prescribed by the city, setting forth the following information:

(1) The name of the owner;

(2) Address of the owner;

(3) Street address of the rental unit;

(4) The number of rental units on the property;

(5) If the owner is not an individual, or a resident of Floyd County, Indiana, or a county contiguous to Floyd County, the name, address and telephone number of the owner's agent authorized to receive notification of complaints, damages, emergencies, substandard conditions or other communications, including service of process. The address of any and all agents shall be within Floyd County or a contiguous county. Any owner who does not reside in Floyd County, Indiana, or a contiguous county shall be required to designate an agent.

(6) A current email and telephone number of the owner and/or agent.

(B) The registration application shall be signed by the owner. Whenever ownership of a rental unit or group or complex of rental units' change, the new owner shall have the responsibility to report the change in ownership to the City. Upon completion of an initial registration of the unit, a Rental Permit shall be issued for the rental unit and shall remain valid and not expire until a change of ownership. Previously issued Rental Permits shall automatically expire 30 days following transfer of title to a registered property.

(C) Notification to the owner or his or her agent at the address shown on the registration application shall constitute sufficient notice pursuant to any provision of this chapter. Registration of a rental unit shall be evidenced by issuance of a Rental Permit.

§ 160.05 ANNUAL REGISTRATION FEES.

There shall be a \$5 annual registration fee assessed for each rental unit, except as provided in Indiana Code 36-1-20-5 (as may be amended), located within the city after the initial registration and obtaining of a Rental Permit. The above-referenced registration fee shall be paid on or before January 31 of each year following their obtaining a Rental Permit.

§ 160.06 REGISTRATION RENTAL PERMITS.

All rental units in the City shall obtain and maintain a valid Rental Permit, except for a rental unit community which is required to obtain one Rental Permit for the complex as per Indiana Code 36-1-20-3.5 (as may be amended). For all registered rental units, the City shall issue a Rental Permit stating the date of the unit's registration. The owner of each rental unit shall be responsible for continuously maintaining a copy of the certificate. Each owner shall provide the Rental Housing Officer or his or her designee with a copy of the Rental Permit upon request. A Rental Permit shall otherwise remain in effect and not expire until suspended or revoked as set forth in this chapter. The issuance of a Rental Permit is not evidence that a property meets the requirements of this chapter or is otherwise fit for human habitation.

§ 160.07 PENALTY.

(A) For submitting any other false or materially incomplete information on an application or any other information submitted under this chapter, a fine of up to \$1,000, unless the violator has been convicted of a previous violation for submitting any other false or materially incomplete information on an application or any other information submitted under this chapter, in which case the fine may be up to \$2,500;

(B) For failure to maintain a Rental Permit pursuant to § 160.06, a fine of up to \$500, unless the violator has been convicted of a previous violation for failing to maintain a rental certificate, in which case the fine shall be up to \$1,000;

(C) For failure to timely sign or submit a complete registration application a fine of up to \$100, each day a violation of this provision exists or continues to exist constituting separate and distinct violation of this chapter with maximum of \$7,500;

(D) For rental of any dwelling unit without first obtaining or continuing to have a valid registration permit, a fine of up to \$100, unless the violator has been convicted of previous violation involving renting without a registration permit, in which case the fine shall be up to \$500, with each day a violation of this provision exists or continues to exist constituting a separate and distinct violation of this chapter;

(E) If fines are imposed by the Board of Public Works and Safety or inspections fees are not paid, then the Enforcement Officer and/or the City Attorney's Office shall file liens upon the property for the outstanding balances due. A person may appeal the determination of the Rental Housing Officer to the Board of Public Works and Safety with respect to any determination as to registration and rental permit outlined in this chapter within 10 business days from notice to the owner of the property at the information provided as part of the registration or by use of the address used for tax purposes as maintained by the Floyd County Treasurer.

§ 160.08 RENTAL HOUSING FUND ESTABLISHED.

(A) The Common Council hereby establishes a Rental Housing Non-Reverting Fund as required by Indiana Code 36-1-20-3 (as may be amended).

(B) The Rental Housing Officer and/or his or her designee(s) shall have the authority for the collection, allocation and expenditure of all costs associated with the administration of the rental housing program.