

ORDINANCE NO.: 2009-066

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Buildings and Building Regulations to add Article VIII, Absentee Landlord Registration Program

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WHEREAS, the City Council finds there are a growing number of residential rental properties within the City, and that many of these properties are in a declining state of maintenance, and;

WHEREAS, inadequate maintenance directly affects the health, life, safety, and welfare of the citizens of the City of Columbia and impacts the health and vitality of the surrounding neighborhood and the City as a whole, and;

WHEREAS, the City of Columbia promotes the use of community policing efforts and cooperation with property owners and residents to help ensure the safety of the entire community, including residential rental properties, and;

WHEREAS, the identification of responsible persons for the property who are easily accessible is more difficult when property owners do not reside in Richland or Lexington Counties and such identification will assist the City to ensure safety and compliance with relevant property maintenance codes, and;

WHEREAS, the City Council, after appointing a Code Enforcement Task Force to review the matter and considering the committee's recommendations, concludes that a absentee landlord registration program is a reasonable step toward insuring suitable housing, safe and viable neighborhoods and a healthy City, *NOW THEREFORE*,

BE IT ORDAINED by the Mayor and Council this 5th day of August, 2009, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Buildings and Building Regulations, to add an Article VIII, Absentee Landlord Registration Program; Section 5-325, Definitions; Section 5-326, Absentee landlord registration required; Section 5-327, Jurisdiction, enforcement and penalties, to read as follows:

ARTICLE VIII. ABSENTEE LANDLORD REGISTRATION PROGRAM

Sec. 5-325. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Owner means one (1) or more persons, jointly, severally, or in common, or any organization, including a corporation, trust, estate, partnership, or other legal entity listed as owner of record in the county Register of Deeds Office as owning the real property.

Residential rental unit means a dwelling unit or residential structure within the City of Columbia containing at least one sleeping unit, which is/are leased or rented from the owner or other person in control of such unit, but not including hotels, motels, dorms, medical or long term care facilities, and bed and breakfast establishment.

Absentee Landlord means

- (a) the owner of residential rental units which are exempt from City of Columbia business licensure who are shown as the most-recent property owner(s) on the real property tax notice for the then current year issued by the Richland or Lexington County Treasurer's Office; and,
- (b) who resides outside of or has a business office outside of Lexington or Richland County; or,
- (c) whose tax notice is addressed to a post office box regardless of the county of residence of the owner.

Sec. 5-326. Absentee landlord registration required

All absentee landlords who lease, rent, or intend to lease or rent a residential rental unit(s), whether by day, week, month, year, or any other term, or who have leased or rented anytime in the previous calendar year, shall register with the Housing Official and provide at least the following information: the address and tax map number for the property(s) upon which the residential rental unit(s) is located; the current name, physical address, mailing address, telephone number, and email contact information for any owner(s) with an ownership interest in the property(s).

Sec. 5-327. Jurisdiction, enforcement and penalties.

(a) An initial written notice shall be sent to the absentee landlord by United States Postal Service first-class mail to the address set forth on the real property tax notice for the then current year issued by the Richland or Lexington County Treasurer's Office. Any written notice shall require the absentee landlord to register with the Housing Official. A failure to register with the Housing Official within thirty (30) days after receipt of a second written notice sent by certified mail, return receipt requested, to the absentee landlord is hereby declared to be an infraction. Each subsequent thirty (30) day period that passes after the expiration from the date of the written notice by certified mail, return receipt requested, to the absentee landlord shall constitute a separate infraction. Any absentee landlord shall be assessed a civil penalty of \$25.00 for each infraction upon service of a uniform ordinance summons.

(b) Absentee landlords shall provide written notice of a change in ownership to the Housing Official in order to be removed from the registration list. The Housing Official reserves the

right to require a copy of a deed evidencing the change of ownership prior to removing an absentee landlord from the registration list.

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The City, in addition to or in lieu of issuing a uniform ordinance summons for a violation of this ordinance, may pursue any other remedy permitted by law.

The filing of an appeal shall not act as a stay of the city's right to pursue any other remedies as permitted by law.

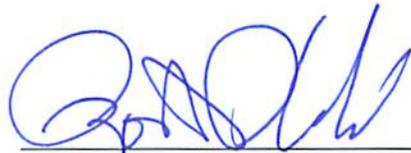
Sec. 5-328. Severability

If any provision, clause, sentence or paragraph of this division or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this division which can be given effect without the invalid provision or application, and to this end the provisions of this division are declared to be severable.

This ordinance shall be effective as of January 1, 2010.

Requested by:

Marc Mylott, Development Services Director



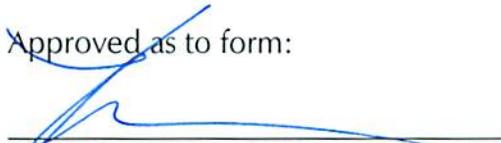
MAYOR

Approved by:



Interim City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 7/8/2009

Final Reading: 8/5/2009