

ORDINANCE REQUIRING THE REGISTRATION OF AND REGULATING RENTAL HOUSING IN THE CITY OF LAURENS

WHEREAS, the City in order to protect the general health, safety and welfare of its citizens deems it appropriate to enact a Rental Housing Registration Ordinance; and

WHEREAS, the City recognizes the need for a registration program for residential rental units located within its limits in order to assure that rental units comply with all applicable building, property, maintenance, fire, health, safety, and zoning codes and to provide an efficient system of compelling both absentee and local landlords to correct violations and maintain in proper condition, rental property within the City; and

WHEREAS, the City has recognized the need for a method of regulating rental properties due to the frequency of incidents of law enforcement presence at rented dwellings and the consequential disruption of peace and tranquility of the community; and

WHEREAS, the City recognizes that the most efficient system to reduce or eliminate the number of such residential rental units causing such problems is by registration and regulation as provided for herein; and

WHEREAS, City further recognizes that the most efficient system is the creation of a program requiring the registration and regulation of residential rental units as defined in this Article X Rental Housing Registration and Article XI Rental Housing Regulation.

WHEREAS, the City executes this ordinance pursuant to South Carolina Code Ann. §5-7-260(6).

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the City of Laurens, South Carolina: the City's Building and Zoning Regulations, Chapter 12 is supplemented as follows:

Section 1. The following Article, **ARTICLE X – RENTAL HOUSING REGISTRATION**, is added to Chapter 12 of the Code of Ordinances for the City of Laurens as follows:

ARTICLE X - RENTAL HOUSING REGISTRATION

Section 276 Definitions.

As used in this Article, the terms and words listed below shall have the following meanings, unless the context clearly indicates that a different meaning is intended. Further the definitions set forth in Section 12-220 Article VIII Chapter 12 are incorporated herein by reference as if fully set forth.

(a) *Dwelling unit* means a building, or portion thereof, designed for occupancy for residential purposes and having cooking facilities and sanitary facilities.

(b) *Landlord* means any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.

(c) *Owner* means the legal titleholder of a rental unit or the premises upon which the rental unit is situated.

(d) *Owner-occupied rental unit* means a rental unit that is occupied in whole or in part by whose name specifically appears on the deed for the property where rental unit is located.

(e) *Person* means any natural individual, firm, partnership, association, joint-stock company, joint venture, public or private corporation or receiver, executor, personal representative, trust, trustee, conservator, or other representative appointed by order of any court.

(f) *Planning and Development Department* means a division of the City's Building and Zoning Department, hereinafter referred to as "the Department".

(g) *Premises* means a lot, plot, or parcel of land, including the buildings or structures thereon, which also includes dwelling units and dwellings.

(h) *Rental unit* means dwelling units or residential structures containing sleeping units, which are leased or rented from the owner or other person in control of such units, to any tenant, whether by day, week, month, year or any other term. This term does not include hotel, motel, dorm, medical or long-term care facilities, bed and breakfast establishments and rental units owned and administered by City.

(i) *Responsible local agent* means a natural person having his or her place of residence or business office in the City and designated by the property owner as the agent responsible for operating such property in compliance with the ordinances adopted by the City and after City is authorized to accept legal service on behalf of the owner.

(j) *Tenant* means any individual who has the temporary use and occupation of real property owned by another person in subordination to that other person's title and with the owner's consent; for example, a person who rents or leases a dwelling, dwelling unit, or rental unit from a landlord.

Section 277 Requirements.

1.) No person shall lease, rent, or otherwise allow a rental unit within the City to be occupied, unless all of the following requirements have been met:

(a) The owner of the rental unit shall register the rental unit with the Department by completing and filing a current registration form with the Department, as provided in Section 278 of this Article.

(b) All fees charged by the City for registration and a business license fee, if applicable, shall be paid in full at the time of registration.

Section 278 Registration.

1.) No person shall lease, rent, or otherwise allow a rental unit within the City without first registering the rental unit with the Department and designating a responsible local agent.

2.) Registration shall be made upon forms furnished by the Department and shall require at a minimum the following information.

(a) The street address and tax map identification number of each rental unit;

(b) The number and type of rental units within the rental property at each street address;

(c) Name, residence address, telephone number, and e-mail address of the property owner(s) of the rental unit(s);

(d) Name, residence address, telephone number, and e-mail address of the responsible local agent or the owner;

(e) The number of tenants permitted for each rental unit;

(f) The signature of the property owner/chief executive officer and the responsible local agent, if applicable.

3.) All information provided on the registration form shall be accurate and complete. No person shall provide inaccurate information for the registration of a rental unit or fail to provide the information required for such registration. Where the owner is not a natural person, the owner's information shall be that of the president, general manager, or other chief executive of the organization. Where more than one person has an ownership interest, the required information shall be provided for each such owner.

4.) Except in the case of a change in the registered local agent, the property owner of a rental unit registered with the City shall update registration information within thirty (30) calendar days after any change occurs in the registration information. If the property is transferred to a new owner, the new property owner of a registered rental unit shall register or update registration information on the rental unit within thirty (30) calendar days following the transfer of the property. Property owners shall notify the Department of any change in the designation of the registered local agent, including a change in name, address, e-mail address, telephone number, or facsimile number of the designated registered local agent within five (5) business days of the change.

5.) The initial registration shall be required by January 1, 2023. Registration of a rental unit(s) shall be effective for one year. All registrations shall expire on January 1 of each year.

6.) It shall be required that the property owner re-registers each rental unit with the Department on an annual basis.

7.) The owner and/or designated local agent of rental units shall be responsible for the following:

(a) Operating the registered rental unit in compliance with all applicable City ordinances;

(b) Providing access to the rental unit for the purpose of making any and all inspections necessary to ensure compliance with the applicable city ordinances;

(c) Accepting all legal notices or service of process with respect to the rental unit.

Section 279 Responsibility for property maintenance codes.

Rental property owner(s) and/or the responsible local agent shall be responsible for ensuring compliance with all zoning, nuisance, and property maintenance codes including but not limited to Single-Family Occupancy; International Property Maintenance Code; Unlawful Accumulation of Weeds; Storage of Junk, Debris or Scrap; Unlawfully Abandoned Vehicles. All rental units shall comply with Section 5-25-1310 of the 1976 South Carolina Code of Laws, as amended which requires smoke detectors.

Section 280 Acknowledgment of applicable codes.

The rental property owner(s) and responsible local agent shall be required at the time of registration to sign a form acknowledging the existence of City codes applicable to the rental units and their responsibilities related to same.

Section 281 Notice procedure.

Notices of violation with respect to the owner(s) of rental property and/or the responsible agent shall be:

- (1) In writing and include a description of the property.
- (2) Include a descriptive statement of the violation and required corrective action.
- (3) State the compliance and appeal period described in Section 12-225 Article VIII Chapter 12.
- (4) Be delivered personally or by first-class mail to the rental property owner(s) or responsible local agent, if applicable, at the last address furnished as part of the registration process.

Section 282 Reduction in notice requirements.

The standard notice, appeal, and compliance periods stated in all property maintenance codes adopted by the City, including the International Property Maintenance Code, shall be reduced to seven (7) days for registered rental properties. The only exception to this Section shall apply to notices of condemnation proceedings.

Section 283 Inspections.

- 1.) The City reserves the right to inspect rental units. Nothing in this Article shall preclude the inspection of dwellings.
- 2.) Inspections may be made to obtain and maintain compliance with the standards of this Article based upon one of the following:
 - (a) A complaint received by the Department or forwarded to the Department by another City department, indicating that there is a potential violation of the standards or the provisions of any applicable ordinance;
 - (b) An observation by the Department or forwarded to the Department by another City Department of a potential violation of any applicable ordinance;
 - (c) A report or observation of a dwelling unit that is unoccupied and unsecure or a dwelling unit that is damaged by fire;
 - (d) The registration, re-registration and certification of a rental unit as required by this Article;
 - (e) The need to determine compliance with a notice or an order issued by the City;
- 3.) An observed condition or condition reasonably believed to exist deemed dangerous to human life or public welfare;

- (a) In the case of a dwelling unit is to be demolished by the City or where ownership is to be transferred to the City.
- 4.) Inspection procedures.
- (a) If a basis for inspection is established under Subsection (a) of this section, the owner and/or responsible local agent will be notified in writing by the Department of the desired time and place of the inspection.
 - (b) In the event that the alleged violation appears to be a clear and imminent threat to human life, safety or public welfare as determined by the code enforcement officer and/or the Department, the owner and/or responsible local agent will be contacted to schedule an immediate inspection. If code violations are found to exist, immediate compliance with adopted building, property maintenance, zoning or other applicable codes, will be required.
 - (c) If the alleged violation is not a clear and imminent threat to human life, safety or public welfare, the owner will have seven (7) calendar days to correct such violation unless otherwise authorized in writing by the Department, after which a reinspection or written verification from owner and/or responsible local agent and complaining party that the violation has been corrected, will be required.

Section 284 Fees.

City Council shall establish by ordinance, pursuant to Section 6-1-330 of the 1976 South Carolina Code of Laws, as amended, an appropriate fee for registration and inspection if applicable. Registered property owners shall be billed annually based on registration information on file with the City as of December 31. No reductions in billed fees shall be allowed as a result of an owners or responsible local agents failure to update information as required by Section 278 (4) of the Article. The City reserves the right, in addition to the penalties provided for in Section 286, below to bill at a higher rate for any rental unit(s) not reported to the Department.

Section 285 Maintenance of records.

All records, files and documents pertaining to the rental registration shall be maintained by the Department and made available to the public as allowed by state law.

Section 286 Penalty.

Violation of this Article shall be unlawful and subject to an offense as punishable pursuant to Section 1-9 General Provisions of the Code of Ordinance of the City and summons for violation of this Article are authorized by Section 1-12 of the General Provisions of the Code of Ordinance of the City.

Section 2: The following Article, **ARTICLE XI – RENTAL HOUSING REGULATION**, is added to Chapter 12 of the Code of Ordinances for the City of Laurens as follows:

ARTICLE XI. - RENTAL HOUSING REGULATION

Section 287 - Definitions.

- (a) As used in this article, the terms and words defined in Section 276 shall have the same meanings for the purposes of this article, unless the context clearly indicates that a different meaning is intended. Additionally, as used in this article, the terms and words listed below shall have the following meaning unless the context clearly indicates that a different meaning is intended.
- (b) Offense. Any citation for violation of or any violation of local, state or federal statutes or ordinances [excepting and excluding citation(s) for violation of or any violation of the provisions of chapter #]. For purposes of this article, all citations or violations issued or made during one response by law enforcement officer(s) shall be deemed one offense.

Section 288 - Rental permit required.

- (a) No owner, whether a person, firm or corporation, shall allow occupancy of any rental unit as defined in Section 276 unless that owner holds a current rental permit issued by the city for the rental unit named therein.
- (b) No owner, whether a person, firm or corporation, shall allow occupancy of any rental unit as defined in Section 276 unless that owner has obtained a business license as required by Chapter 14.
- (c) No owner, whether a person, firm or corporation, shall allow occupancy of any rental unit as defined in Section 276 unless that owner has complied [with] Article X- Rental Housing Registration.
- (d) Each rental permit shall expire on January 1 of the year following the year of issue.

Section 289 - Application.

Proper registration in compliance with Section 278 shall serve as the property owner's application for a rental permit. Initial registration shall be required by January 1, 2023.

Section 290 - Issuance or refusal of rental permit.

The city shall issue a rental permit for each rental unit for which application is made upon verification of the following:

- (1) The owner has paid all fees as required by this chapter;

- (2) Owner and the rental unit are in compliance with article II hereof; and
- (3) There have not been three (3) or more offenses occur at the rental unit within twelve (12) months immediately preceding date of application renewal.

Section 291 - Revocation of permit.

Offenses shall apply towards revocation of the rental permit for rental units as follows:

- (1) The City Administrator is designated to exercise the powers described by this article;
- (2) If, after issuance of a permit, it is determined by the director that three (3) or more offenses have occurred at any one rental unit within a twelve-month period, then and in that event, the director shall issue and cause to be served upon owner or his designated local agent a complaint stating the reasons for permit revocation and containing a notice that a hearing will be held before the director or his designee at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of such complaint;
- (3) Owner shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the director;
- (4) If, after such notice of hearing, the director determines that three (3) or more offenses have occurred at the rental unit within a twelve-month period preceding the date of the complaint, then he shall state in writing his findings of fact in support of such determination and issue and cause to be served upon owner an order revoking owner's rental permit;
- (5) Complaints or orders issued by the director pursuant to this article shall be served upon the owner or his designated local agent personally or by certified mail.

Section 292 - Appeals.

- (a) Any owner aggrieved by a decision, suspension, or denial of a rental permit by the City Administrator may appeal the decision to city council by filing a written request stating the reasons for the appeal with the director of planning and zoning within thirty (30) days after service of the decision upon owner.
- (b) An appeal hearing on permit revocation shall be held by city council within sixty (60) days after receipt of a request for appeal at a regular or special meeting of council. Owner shall be provided not less than ten (10) days prior written notice of such hearing specifying date, place and time. Notice shall be served personally or by certified mail. At such hearing, all parties shall have the right to be represented by counsel to present testimony and evidence and to cross-examine witnesses. The proceeding shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure as from time to time prescribed by council shall govern the hearing. The decision of city council shall be final unless appealed to the court of common pleas within ten (10) days after service of written decision upon owner.

(c) Notice of decision. Upon decision being reached by city council, the director of planning and zoning shall notify owner of the decision of city council.

If city council has voted to revoke the owner's rental permit, the effective date of revocation, the reason for revocation, the effect of revocation on the rental unit and penalties that can be imposed for violation of the revocation shall be provided to the owner or his agent by certified mail or delivered in person.

Section 293 - Permit revocation effective date.

The effective date of revocation shall be forty-five (45) days after service upon the owner of the order of the director or final order upon appeal, if appealed.

Section 294 - Effect of revocation.

Upon the effective date of revocation, no rental permit shall be granted or renewed and the dwelling unit shall be secured by the owner and no person, firm or corporation shall operate or rent/lease to another for occupancy the dwelling unit during such time that the rental permit is revoked.

Section 295 - Defense.

When tenant(s) are guilty of offenses resulting in a complaint, the owner may request a suspension of revocation proceedings by providing written evidence of the initiation of eviction proceedings against the culpable tenant. If the tenant(s) is/are evicted, the property owner may request termination of the revocation proceedings. If revocation has been suspended but the tenant(s) is/are not evicted, revocation proceedings will be reinstated by the city.

Section 296 - Offenses.

Any owner violating any provision of this article shall be deemed guilty of a misdemeanor and shall be subject to issuance of an ordinance summons (see Section 1-12 of the General Provisions of the Code of Ordinances of the City) and the penalties specified in Section 1-9 of the General Provisions of the Code of Ordinances of the City .

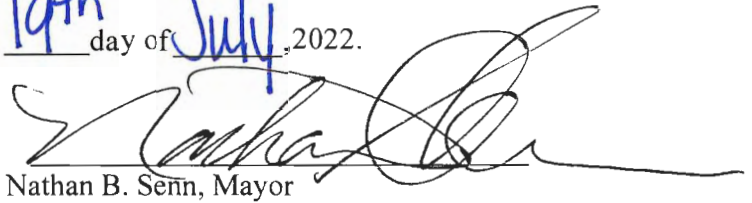
Section 297 - Operating without a permit—Public nuisance.

If an owner operates a rental unit without a current rental permit as set forth in this section, such shall constitute a public nuisance per se.

Section 3: This ordinance shall become effective upon adoption by the Council of the City of Laurens.

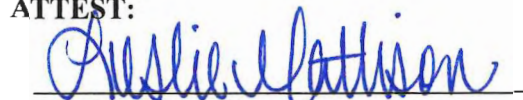
BE IT SO ORDAINED.

Done in Council duly assembled this 19th day of July, 2022.



Nathan B. Senn, Mayor

ATTEST:



Leslie Mattison, City Clerk

DATE OF FIRST READING: July 19, 2022

DATE OF SECOND READING: August 16, 2022

APPROVED AS TO FORM: July 19, 2022

Virginia Merck-Dupont, City Attorney