

**ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI TO
REQUIRE THE REGISTRATION OF RENTAL PROPERTY.**

WHEREAS, the National Commission on Fair Housing and Equal Opportunity found, Americans do not file complaints and use their fair housing rights because they have concluded they are essentially useless; and

WHEREAS, rental registration programs give cities a tool to identify code problems and intervene earlier on in the process, before a property deteriorates to the point that it becomes cost prohibitive to repair; and

WHEREAS, a study of North Carolina cities with mandatory, proactive rental registration ordinances also found that the ordinances resulted in landlords bringing their properties into code compliance more rapidly, a decrease in residential fires, and a reduction in code complaints. Greensboro's housing code complaints fell 61 percent from a high of 1,427 at the implementation of the city's rental registration program in 2005 to 871 complaints in 2007; and

WHEREAS, the City Council of Jackson, Mississippi finds existing remedial measures in the applicable codes are insufficient to garner prompt Code compliance resulting in significant adverse impacts on the public health, safety, and welfare of the City including the quality of life for tenants, affected neighborhoods and the City; and

WHEREAS, the City Council of Jackson, Mississippi finds that it is necessary to amend the Jackson, Mississippi Code of Ordinances to address rental housing issues concerning the health, safety and welfare of its citizens and finds that it is necessary and good cause exists to require the registration of rental property.

THEREFORE, BE IT ORDAINED that the City Council of Jackson, Mississippi, hereby adopts this ordinance to require the registration of rental property; this ordinance shall be known as the "Rental Registration Ordinance" and shall read as follows:

Definitions.

For purposes of this article, the following words, terms and phrases shall have the meaning respectively ascribed to them as follows, unless the context clearly indicates otherwise:

Accessory Use Areas: Are areas and buildings around a rental dwelling which provide space for amenities and facilities, including but not limited to pay phones, picnic areas, recreation areas, laundry rooms, recreation rooms, refuse collection facilities, and accessory storage buildings.

Agent: Is a person authorized by the owner of a rental housing unit to make or order repairs or service to the unit and authorized to receive notices on behalf of the owner.

Approved: Means in conformance with the appropriate codes and approved by the Inspector or his designee.

Architectural Pool: Means a constructed or excavated exterior area designed to contain a regular supply of water other than a swimming pool or a spa.

At-risk populations: Children aged <6 years (especially those aged 0-3 years) and pregnant women who occupied homes constructed before 1978, and Medicaid-enrolled and Medicaid-enrolled and Medicaid-eligible children.

Boarding House: Any building, or part thereof, containing two (2) or more guest rooms, other than a hotel, motel, or bed and breakfast establishment, that is kept as, used as, maintained as, advertised as, or held out to be a place where, for any type of compensation, sleeping accommodations are furnished for periods of one (1) week or more. A Boarding may provide meals.

Rental Housing Code Inspector: The city official designated by the Mayor to administer and enforce the Rental Housing Code.

Certificate of Compliance: A certificate issued to certify that a Dwelling Unit is in compliance with the Rental Housing Code. Certificates of Compliance are valid for twenty-four (24) months.

Change of Occupancy: When a rental unit vacated and is occupied by a new tenant.

City: The City of Jackson, Mississippi.

Condominium: An estate in real property consisting of an undivided interest in common of a portion of real property, together with a separate interest in space in a residential building on such real property.

Cooperative: A Multiple-Household owned and maintained by the residents. The entire structure and real property is under common ownership, as contrasted to a Condominium Dwelling where individual units are under separate individual occupant ownership.

Deterioration: Means a lowering in quality of the condition or appearance of a building, structure or premises characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, damage or lack of maintenance.

Dwelling: Means an enclosed occupied or unoccupied space designed as or being used as permanent living facilities, including single family and multifamily dwellings and accessory use areas.

Elevated blood lead level: Blood lead level $>_{-} 10 \mu\text{g/dL}$. (CDC)

Exterior Opening: Means an open or closed window, door or passage between interior and exterior spaces.

Failure to Comply: Means a failure, refusal, or neglect to obey an official order or comply with any adopted ordinance of the City of Jackson.

Gang Boxes: Means a group of postal service mail boxes clustered together serving a residential area.

Glazed: Means fitted with glass.

Habitable Room: Means a room or enclosed floor space within a rental housing unit used, intended to be used or designed to be used for living, sleeping, eating or cooking and excludes bathrooms, laundry rooms, halls, closets and storage places.

IPMC: Is the International Property Maintenance Code adopted by the City of Jackson.

Impervious: Means incapable of being penetrated or affected by water or moisture.

Infestation: Is the presence or apparent presence of insects, rodents, vermin or noxious pests of a kind or in a quantity that endangers health within or around a dwelling or may cause structural damage to the dwelling.

Inoperable Vehicle or Junk Vehicle: Is a vehicle which is physically incapable of operation, stripped, substantially damaged, lacking of a current license plate and/or inspection sticker, discarded or unable to be safely and legally operated.

Landscaping: Is the combination of elements such as trees, shrubs, ground covers, vines and other organic and inorganic material for the express purpose of creating an attractive and pleasing environment.

Lead-based paint: Paint or other surface coating that contains lead equal to or exceeding 1.0 milligram per square centimeter or 0.5% by weight or 5,000 parts per million by weight. (HUD and EPA)

Lead risk assessment: An onsite investigation of a residential dwelling to discover any leadbased paint hazards and description of options to eliminate them, which includes lead dust and soil sampling.

Lessee: A person or entity who receives the use and possession of leased property (e.g., real estate) from a lessor in exchange for a payment of funds. The person to whom a lease is made.

Legal Entity: An association, cooperation, partnership, or individual that has legal standing in the eyes of the law.

Makeshift: Means not in accordance with the requirements of this code, any ordinance of the city or rules or regulations adopted there under, accepted practices, prevailing standards, design of a licensed contractor or manufacturer's recommendation.

Manager: Means any person who has charge, care or control of a rental housing unit.

Occupant: Means any person living in, sleeping in or possessing a rental housing unit.

Owner: Means a person, persons or legal entity listed as the current titleholder of real property, as recorded in the official records of Hinds County, Mississippi.

Parking Area: Means any area adjacent to a rental housing unit which was designed for or is used for the purpose of parking vehicles. This does not include landscaped, unpaved or yard areas.

Proof of Ownership: A title or deed to a piece of property signed by a notary public.

Rental Housing Unit: Means that portion of a dwelling for which payment or other consideration is being made to an owner, agent or manager for the use or occupancy of that portion as an independent living facility, excluding transient occupancy such as hotels and motels. It also means each apartment or each rental unit within an apartment complex.

Slum-Like: Means the unsightly condition of a building, structure or premises characterized by deterioration or other similar conditions and the visible outdoor storage of junk, garbage or rubbish, regardless of the condition of other properties in the neighborhood.

Sound Condition: Means free from decay or defects and in good working condition.

Specific Lighting: Means artificial illumination which was designed and installed to provide adequate lighting for a specific area.

Storage: Means placing or leaving personal property in a location for the purpose of preservation, seasonal or future use or disposal. No upholstered furniture may be stored on porches.

Unit: Means that portion of a dwelling for which payment or other consideration is being made to an owner, agent or manager for the use or occupancy of that

portion as an independent living facility, excluding transient occupancy such as hotels and motels. It also means each apartment or each rental unit within an apartment complex.

Vehicle: Is an automobile, truck, trailer, camper, recreational vehicle, boat or motorcycle.

Designation of Administrator.

The Division of Community Improvement is assigned the primary responsibility of enforcing this ordinance and is granted the authority expressly and impliedly needed and necessary for enforcement.

Registration Required.

It shall be unlawful for any person and/or entity to maintain or operate any rental housing unit or units within the City of Jackson, Mississippi unless such person or entity has registered the property as provided herein. The required fees provided herein will cover the cost associated with completing the required inspection or re-inspections.

Registration Fee.

The annual registration fee shall be twenty-five dollars (\$25.00) per dwelling unit payable upon application for registration.

The late penalty is the amount of ten dollars (\$10.00) per unit multiplied by the number of months the registration is past due.

A fee of three hundred fifty dollars (\$350.00) will be due for failure to register a dwelling unit within ninety (90) days of expiration of annual registration fee.

A fine of one thousand dollars (\$1,000.00) will be assessed for any repeat offense of this provision by an owner on the same piece of property within a 24-month period.

Each person or entity who operates an office within the City of Jackson, Mississippi must also obtain a privilege license as required by the City of Jackson, Mississippi for operation of a business.

Annual Registration Application.

Application for annual rental housing registration shall be filed with and issued by the Division of Community Improvement, subject to review by the Zoning Division of the Department of Planning and Development.

The application shall be in writing, signed by the property owner, agent or designee and shall include the following:

- (1) The name and address of the applicant and the number of unrelated persons residing at the rental property; and
- (2) Proof of ownership must be provided if the information provided differs from Hinds County records; and
- (3) The location, type of unit, zoning for the property and parcel number of the property on which the rental housing unit is located; and
- (4) For new construction, a complete site plan of the complex showing it is in conformity with the requirements of the Rental Housing Code and other applicable local law; and
- (5) For new construction, plans and specifications of all buildings, improvements and facilities to be constructed within the rental housing complex or on the same property as the rental housing unit; and
- (6) Such other information as may be requested by the Division of Community Improvement to enable it to determine if the proposed rental housing unit or complex will comply with all codes and ordinances adopted by the City of Jackson.

Inspection Required.

Before any registration is issued by the Division of Community Improvement, the Division shall inspect the rental housing unit or complex for which an application for registration has been made to ensure compliance with the Rental Housing Code, other applicable Codes and law. The Division is authorized to enter rental units upon reasonable notice at reasonable times to inspect for such purposes subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Division is authorized to pursue recourse as provided by law.

The Division may inspect only a portion of the rental units within a rental housing complex if the Division determines an inspection of the entire complex is not needed.

Every landlord who retains all utilities in his/her name is required to have all rental units inspected once a year or with each tenant change. All utilities must be turned on at the time of the inspection in order to inspect all systems, appliances and equipment.

Registration Renewal.

Upon application in writing for renewal of a registration and payment of the annual registration fee, the Division of Community Improvement shall issue a

Certificate of Compliance renewing such registration for another year. The Division of Community Improvement may, in its discretion, inspect the rental housing unit or complex for which application is being made before a renewal of the registration is issued, subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Division is authorized to pursue recourse as provided by law.

Registration Transfer.

Upon application in writing for transfer of a registration accompanied by an application with the transferee's information and payment of the transfer fee, the Division of Community Improvement shall issue a transfer if the application is found to be in compliance with the Rental Housing Code and other applicable Codes and law.

A fee of twenty-five dollars (\$25.00) is required for transfer of any property or properties. A fee of three hundred fifty dollars (\$350.00) is required for failure to register a dwelling unit within ninety (90) days of transfer of ownership.

A fine of one thousand dollars (\$1,000.00) will be assessed for any repeat offense of this provision by an owner on the same piece of property within a 24-month period.

Certificate of Compliance.

A Certificate of Compliance shall be required as a condition of providing new water service to any rental property or as a condition of transferring service to a new owner, new renter or billing name. A Certificate of Compliance is required prior to any tenant taking possession of a rental unit. **EXCEPTION:** Units that have a valid permit (as defined by City of Jackson Zoning Ordinance or adopted building codes) pulled for repair, renovations or additions may be granted a Temporary Certificate of Compliance. Temporary Certificates of Compliance will only be issued after approval of scope of work, reasonable time schedule for completion and an opinion from the City's Building Official that the rental unit can be occupied safely.

Registration Revocation.

The Division of Community Improvement may revoke any registration to maintain and operate a rental housing unit or complex when the owner or agent has failed to comply with any provisions of this ordinance. The revoked registration may be reissued if the circumstances leading to the failure to comply have been remedied and the rental housing unit or complex is being maintained and operated in full compliance with applicable law.

In any case where a provision of the Rental Housing Code is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the city, existing on the effective date of this code, the provision which

establishes the higher standard for the promotion and protection of the health and safety of the community shall prevail.

That all provisions of the ordinances of the City of Jackson in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other provisions of the ordinances of the City of Jackson not in conflict with the provisions of this ordinance shall remain in full force and effect.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

This ordinance shall become effective after passage and thirty (30) days following publication. The City Clerk shall cause the ordinance to be published in a local newspaper with a general circulation.