Your Committee, to which this proposal was referred, has amended the proposal to read as follows and recommends its adoption as amended.

CITY COUNTY COUNCIL PROPOSAL NO. 114, 2017

CITY OF INDIANAPOLIS-MARION COUNTY, INDIANA

INTRODUCED: 05/08/2017

REFERRED TO: Metropolitan and Economic Development Committee

SPONSOR: Councillors Miller and Adamson

DIGEST: enhances the city's landlord registration program to include units advertised as rentals and units offered for sale as rent-to-own via sales contract

SOURCE:
Initiated by: Department of Business and Neighborhood Services
Drafted by: Office of Corporation Counsel

LEGAL REQUIREMENTS FOR ADOPTION:
Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:
Adoption and approvals

GENERAL COUNSEL APPROVAL: _____ Date: May 4, 2017

CITY-COUNTY GENERAL ORDINANCE NO. , 2017

PROPOSAL FOR A GENERAL ORDINANCE to enhance the city's landlord registration program to include units advertised as rentals and units offered for sale as rent-to-own via sales contract.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Title IV, Chapter 851 of the "Revised Code of the Consolidated City and County" regarding the landlord registration program, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 851-103. Definitions.

Department means the department of business and neighborhood services <u>or</u> its designee.

Landlord has the meaning set forth in IC 32-31-3-3.

Owner has the meaning set forth in IC 32-31-3-4.

Person has the meaning set forth in IC 32-31-3-5.

Rental unit has the meaning set forth in IC 32-31-3-8, except that an owner-occupied structure that:

(1) Has no portion of the area thereof promised for the use of a residential tenant, or

(2) Has a single sleeping unit being rented to a tenant shall not be considered a "Rental Unit."

<u>In addition, a property that is:</u>

<u>(1) booked for rental to the public or rented to the public only for a rental period of less than 30 consecutive days at any one time; and</u>

(2) rented to the public not more than a total of 180 days during a calendar year, shall not be considered a "Rental Unit."

Rental unit community has the meaning set forth in IC 36-1-20-1.5.

Tenant has the meaning set forth in IC 32-31-3-10.

Sec. 851-104. Registration program.

(a) ~~Beginning on January 1, 2015, a~~All owners or landlords of rental units, whether occupied or offered or advertised for rental, or rental units offered with an option for sale through seller-financed agreements without recorded title transfer (e.g. rent-to-own~~, sale by contract~~) within the city must register with the department via a method or form prescribed by the department. The registration form shall include the following:

(1) The name, telephone number, and a physical business or domicile address of the owner. A secondary address (not required to be physical) can be used for availability to the public;

(2) The name, telephone number and address of:

a. A person residing in Indiana authorized to manage the rental unit; and
b. A person who is authorized to act as agent for the owner for purposes of service of process and receiving and receipting for notices and demands;

As provided in IC 32-31-3-18;

(3) An affirmation that the rental units, the real property of which the rental units are a part, and any other rental unit property owned or registered by the owner in Marion County, are not subject to any un-remediated citation of violation of the state and local codes and ordinances;

(4) Notwithstanding section 801-202 of this Code, an affirmation that there is not more than one delinquent payment of real property taxes, assessments, or penalties (other than those that are the subject of an ongoing appeal or bankruptcy proceedings) with respect to the property, or any other rental unit property owned or registered by the owner in Marion County;

(5) A statement of the number of rental units on each separate parcel of real property covered by the registration.

(b) Beginning on January 1, 2015, an owner or landlord of a rental unit must pay to the department an initial registration fee as provided in section 131-501. Only one registration fee is required for all rental units in a rental unit community. If a rental unit is not part of a rental unit community, a separate registration fee must be paid for each separate parcel of real property on which a rental unit is located, unless they are all registered at the same time.

(c) In the event of a change of ownership, the new owner or landlord must, not later than thirty (30) days after the change of ownership, pay the registration fee as provided in section 131-501 and provide updated registration information to the department.

(d) Registrations must be renewed annually. The renewal fee may be up to the amount as provided in section 131-501, as determined by the department.

(e) The owner or landlord must notify the department within thirty (30) days of any changes to registration information.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2017, at _____ p.m.

ATTEST:

_____
Maggie A. Lewis
President, City-County Council

_____
NaTrina DeBow
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2017, at 10:00 a.m.

_____
NaTrina DeBow
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2017.

_____
Joseph H. Hogsett, Mayor