

ORDINANCE NO. 03-09 (AMENDED)

AN ORDINANCE AMENDING THE ORDINANCES OF THE CITY OF WEST LAFAYETTE REGULATING RENTAL HOUSING WITHIN THE CITY

WHEREAS, the West Lafayette Municipal Code regulates rental housing within the City by means of a comprehensive inspection and certification program; and

WHEREAS, the ordinances setting forth the obligations of tenants residing in the City and landlords doing business within the City should be amended to clarify the obligations of both tenants and landlords.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE that:

CHAPTER 117.04 of the West Lafayette City Code shall be AMENDED to read as follows:

Sec. 117.04. Requirements for Rental Certificate.

A rental certificate shall be issued after:

(a) The applicant has made a complete and accurate application upon forms prescribed by the program administrator, including the occupancy affidavit as set forth in Section 117.05, including the following information:

(1) The name, (or in the case of a corporation, the corporate ID number), permanent home address, and business and home telephone number of:

(A) The owner, including the names and addresses of any owners or beneficial owners of any interest in any corporation, partnership, limited liability company, trust beneficiaries, or other entity owning the property;

(B) The agent designated by the owner, if any;

(C) The resident agent, individual partner, or managing member of any business entity.

(2) The number of rental units and the number and size of habitable sleeping rooms contained within each rental unit.

(3) A declaration of whether subletting by any tenant(s) is permitted.

(4) The street address(es) of the rental unit. - Complete all addresses of all buildings.

(5) The occupancy sought.

(6) The category of license sought.

(7) The number of occupants who resided in each rental unit at the end of the lease term most recently completed.

(8) The total security deposit charged to the tenants who resided in each rental unit on September 1 during the lease term most recently completed.

(9) The total security deposit returned to the tenants who resided in each rental unit at the end of the lease term most recently completed. or indication that no deposit has been returned because a rental agreement is currently ongoing.

(10) Any other information required by administrative rule approved by the City Council.

(11) A Floor Plan and Site Plan drawn to scale showing the location, size and use of all rooms and the location of all improvements on the site, including sidewalks, drives and parking. Provided that this floor plan and site plan are not required for purpose-built multi-unit housing or single-family housing used for family occupancy, unless the same contains a basement.

An application for the renewal of a rental certificate shall contain the same information as an initial application except that if there have been no changes from the previous application, it may incorporate by reference the information previously submitted.

(b) The program administrator has conducted any inspections the program administrator determines necessary;

(c) The program administrator has determined that the property fully complies with all requirements of the West Lafayette City Code and the Unified Zoning Ordinance;

(d) The rental certificate is not subject to being revoked under Section 117.10(c) as a result of violations occurring at the property; and

(e) The applicant has paid the fees as set forth in this chapter and payment of any assessed and unpaid fines assessed against the applicant.

CHAPTER 117.07 of the West Lafayette City Code shall be AMENDED to read as follows:

Sec. 117.07. Rental certificate fees and terms.

Rental Certificates shall have the following fees and terms:

(a) For Category 1, the fee shall be \$250 and the rental certificate shall be valid for a term of one year. Provided that if the property meets the following conditions, the rental certificate shall be valid for a term of two years:

(1) The application for certification of rental property is filed in a timely manner and in response to the first notice;

(2) All applicable certification fees are paid on time and in response to the first notice;

(3) The property owner for all existing (or established) rental property must have history of compliance with all aspects of the inspection program in the two previous certification rounds;

(4) The program administrator does not find the rental property to be in violation of the Housing -- Property Maintenance Code or any other applicable codes, standards or regulations of the City of West Lafayette or the State of Indiana. Provided, however, that the property owner may be entitled to a conditional rental certificate under Section 117.09 if inspection, if any, finds only minor violations, as set forth in that section.

(5) The rental certificate is not suspended under Section 117.10(b) or subject to being revoked under Section 117.10(c) as a result of violations occurring at the property.

(b) For Category 2, the fee shall be \$150 and the rental certificate shall be valid for a term of one year.

(c) For Category 3, the fee shall be \$150 per structure and \$2 per unit and the rental certificate shall be valid for a term of two years. Provided that if the property meets the following conditions, the rental certificate shall be valid for a term of four years:

(1) The application for certification of rental property is filed in a timely manner and in response to the first notice;

(2) All applicable certification fees are paid on time and in response to the first notice;

(3) The property owner for all existing (or established) rental property must have history of compliance with all aspects of the inspection program in the two previous certification rounds;

(4) The program administrator does not find the rental property to be in violation of the Housing--Property Maintenance Code or any other applicable codes, standards or regulations of the City of West Lafayette or the State of Indiana. Provided, however, that the property owner may be entitled to a conditional rental certificate under Section 117.09 if inspection, if any, finds only minor violations, as set forth in that section.

(5) The property has maintenance personnel readily available and an established maintenance and renovation program that provides for the routine inspection and maintenance and the long-term upgrades of the building and property; and

(6) The rental certificate is not suspended under Section 117.10(b) or subject to being revoked under Section 117.10(c) as a result of violations occurring at the property.

(7) The property is located within a multi-family district.

(d) For Category 4, the fee shall be \$250 per property tract and \$2 per unit and the rental certificate shall be valid for a term of two years.

(e) For Category 5, the fee shall be \$250 and the rental certificate shall be valid for a term of one year. Provided that if the property meets the following conditions, the rental certificate shall be valid for a term of two years:

(1) The application for certification of rental property is filed in a timely manner and in response to the first notice;

(2) All applicable certification fees are paid on time and in response to the first notice;

(3) The property owner for all existing (or established) rental property must have history of compliance with all aspects of the inspection program in the two previous certification rounds;

(4) The program administrator does not find the rental property to be in violation of the Housing -- Property Maintenance Code or any other applicable codes, standards or regulations of the City of West Lafayette or the State of Indiana. Provided, however, that the property owner may be entitled to a conditional rental certificate under Section 117.09 if inspection, if any, finds only minor violations, as set forth in that section.

(5) The rental certificate is not suspended under Section 117.10(b) or subject to being revoked under Section 117.10(c) as a result of violations occurring at the property.

(f) For Category 6, the fee shall be \$150 per structure plus \$2 per unit and the rental certificate shall be valid for a term of two year.

(g) For Category 7, the fee shall be \$100 plus \$20 for each additional unit in the same development and the rental certificate shall be valid for a term of two years.

(h) Initial rental conversion fee is ~~\$500~~ \$5000. This fee may be reduced to ~~\$200~~ \$2000 if:

(1) The owner has had an independent home inspection done within the past 6 months and has corrected all deficiencies identified in the report and supplied the report to the City.

(2) The home inspection was conducted by a person certified or accredited by a professional home inspection agency and acceptable to the City.

(3) The City has conducted an inspection to verify that all deficiencies have been corrected and that the unit is in compliance with the Unified Zoning Ordinance of Tippecanoe County ~~and has one paved off-street parking space for each occupant.~~

Amended to strike out, 04.06.09.

(i) All such fees shall be tripled for any property that is rented before a rental certificate is issued. All such fees shall be tripled for the issuance of a rental certificate during the period of probation pursuant to Section 117.10(a).

(j) For any reinspection after the first reinspection, there shall be an additional fee of \$150. If the owner or agent fails to attend any scheduled inspection, there shall be an additional fee of \$100 for each such failure to appear.

(k) It is the goal of the common council that the rental certificate and housing inspection program be self-supporting. Each two years after adoption of this chapter, the program administrator shall review the income from fees and fines and the expenses of administering the rental certificate and housing inspection program. The program administrator shall recommend to the common council any revisions to the schedule of fees (such as reduction in fees or extension of term for those owners with good records) and fines to maintain the goal of a self-supporting program and to minimize the fees on owners who have a history of full compliance with the rental certificate and housing inspection program.

(l) The fees for any rental category shall be reduced by \$50 if no violations are found on the property and no reinspection is required.

CHAPTER 117.08 of the West Lafayette City Code shall be AMENDED to read as follows:

Sec. 117.08. Rental certificate.

(a) The rental certificate shall be for the stated term of the rental certificate or until the general expiration date of the then current round for such dwelling unit, whichever is sooner, but in no event shall the rental certificate expire before 30 days after the inspection of the rental property.

(b) For all units ~~located in any single-family district or R-2 district,~~ the city shall issue a sticker stating the unit's certification, date of expiration and allowable occupancy. The property owner and/or manager must prominently and continuously display the sticker on the inside of the door to the main entrance of the dwelling unit.

(c) It shall be a violation of this chapter to remove the sticker or for the owner or

manager to fail to continuously display the sticker as provided in subsection (b) in each dwelling unit ~~located in any single-family district or R-2 district.~~

(d) It shall be the continuing duty of the owner and manager to personally monitor the occupancy of each dwelling unit and to ensure that it is not occupied by more persons than the maximum allowable occupancy. It shall be a violation of this chapter by the owner and/or occupants to exceed the maximum allowable occupancy or to hold the dwelling unit out for occupancy by more than the maximum allowable occupancy or to permit or allow the dwelling unit to be occupied by more persons than the maximum allowable occupancy.

Such personal monitoring of occupancy should include the following steps, as well as others that are reasonable under the particular circumstances:

(1) filing an occupancy affidavit not less than annually and updating the occupancy affidavit upon a change in occupants;

(2) posting of the occupancy sticker, as set forth in Section 117.08

(3) not advertising a rental price per bedroom for more bedrooms than the legally permitted number of unrelated occupants;

(4) monitoring the cars regularly parked at the property for possible additional occupants;

(5) not receiving payments of deposit or rent from persons other than the occupants listed in the occupancy affidavit (or from other persons who are known to be non-occupants who paid on behalf of a known occupant);

(6) monitoring the names posted at the entry or on any mailbox or mail slot; and

(7) monitoring the number of occupants observable by any employee or agent of the owner/manager in the event of entry for repairs, showing the property to prospective tenants/buyers or other entry for any purpose.

Sec. 117.20. Violation—Penalty.

Violation of this chapter shall subject the violator to a civil penalty as follows:

(a) For submitting an incorrect affidavit under Section 117.05, a fine of \$1,000, unless the violator has been convicted of a previous violation of submitting an incorrect affidavit, in which case the fine shall be \$2,500;

(b) For submitting any other false or materially incomplete information on an application or any other information submitted under this chapter, a fine of \$500, unless the violator has been convicted of a previous violation of submitting an incorrect affidavit, in which case the fine shall be \$2,500;

(c) For failure to post an occupancy sticker pursuant to Section 117.08(c), a fine of \$200, unless the violator was an owner or part owner, directly or indirectly, which has been convicted of a previous violation of failing to post an occupancy sticker, in which case the fine shall be ~~\$1,000~~ \$2,500;

(d) For failure to timely sign or submit a complete occupancy affidavit when required under Section 117.05, a fine of \$100, each day a violation of this provision occurs or continues is a separate and distinct violation of the chapter;

(e) For committing, permitting or allowing any over occupancy as set forth in Section 117.08(d), a fine of \$200, unless the violator was an owner or part owner, directly or indirectly, which has been convicted of a previous violation involving over occupancy, in which case the fine shall be ~~\$1,000~~ \$2,500 with each day a violation of this provision occurs or continues being a separate and distinct violation of the chapter (however, it is a defense to a violation under this subsection if the owner or agent was diligent in monitoring the occupancy and the over occupancy occurred without the owner or agent's knowledge and the rent was reasonable for the permitted legal occupancy and the burden of proof of such defense shall be on the owner and/or agent);

(f) For rental of any dwelling unit without first obtaining or continuing to have a valid rental certificate, a fine of \$100, unless the violator was an owner or part owner, directly or indirectly, which has been convicted of a previous violation involving renting without a rental certificate, in which case the fine shall be ~~\$500~~ \$2,500, with each day a violation of this provision occurs or continues being a separate and distinct violation of the chapter;

(g) For violation of any other provision of this chapter, a fine of \$100, with each day a violation of this provision occurs or continues being a separate and distinct violation of the chapter.

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If you have questions about this, please contact the Office of the Clerk-Treasurer at clerk@westlafayette.in.gov.
Thank you.