

AGENDA REQUEST FORM

FOR: Council Meeting of October 20, 2020

FROM: Council Member Sloan Scroggin

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO ENCOURAGE ALL LANDLORDS IN FAYETTEVILLE TO ENSURE THE HABITABILITY AND SAFETY OF THEIR RENTAL PROPERTIES, AND TO REQUEST THAT THE MAYOR RESEARCH POTENTIAL CHANGES TO THE CITY CODE TO PROVIDE GREATER PROTECTIONS TO TENANTS

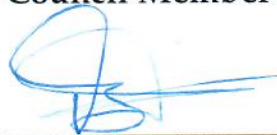
APPROVED FOR AGENDA:

Approved by email

Council Member Sloan Scroggin

10/7/2020

Date



Asst. City Attorney Blake Pennington
Approved as to form

10/7/2020

Date

RESOLUTION NO. _____

A RESOLUTION TO ENCOURAGE ALL LANDLORDS IN FAYETTEVILLE TO ENSURE THE HABITABILITY AND SAFETY OF THEIR RENTAL PROPERTIES, AND TO REQUEST THAT THE MAYOR RESEARCH POTENTIAL CHANGES TO THE CITY CODE TO PROVIDE GREATER PROTECTIONS TO TENANTS

WHEREAS, § 173.08, Unsafe Buildings and Property Nuisances of the Unified Development Code prohibits any house or building that “has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare”; and

WHEREAS, the State of Arkansas has no warranty of habitability and very poor tenant protections; and

WHEREAS, all tenants should have the right to live in a safe and structurally sound home.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby encourages all landlords and rental property managers to ensure the habitability and safety of their rental properties including the structural integrity of those structures and working plumbing, mechanical, electrical, and fire protection systems.

Section 2: That the City Council of the City of Fayetteville, Arkansas requests that the Mayor research potential changes to the City Code to provide greater protections to tenants in the City of Fayetteville that do not conflict with Arkansas law.

PASSED and **APPROVED** this 20th day of October, 2020.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
KARA PAXTON, City Clerk/Treasurer

173.08 - Unsafe Buildings And Property Nuisances

- (A) No person or persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the city which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.
- (B) Property Nuisances. It is unlawful for any person having charge or possession of any property to maintain it in such a manner that it is determined by the city, after a due process hearing, that a property nuisance exists upon such property. A property nuisance shall exist whenever any of the following findings are made by the City Council after a public, due process hearing:
 - (1) The condition of the property endangers the life, health, property, safety, or welfare of the public or occupants of the property.
 - (2) The condition of the property is so dilapidated as to cause a diminution of the enjoyment, use or property values of neighboring properties.
 - (3) The condition of the property is detrimental to the public health, safety and general welfare.
 - (4) Unoccupied buildings or structures that are not properly secured, locked, or closed.
 - (5) Unfinished. Buildings or structures under construction that have been abandoned or are inactive and for which there are no valid permits.
 - (6) Inadequate Sanitation, Light or Ventilation. Occupied buildings or structures which lack hot and cold running water to plumbing fixtures or lack the minimum amounts of natural light and ventilation as required by this Code.
 - (7) Structural Hazards. Buildings or structures which have such defective, deteriorated or inadequate foundations; flooring and/or floor support; wall, partition, or other vertical support; ceiling, roof, or other horizontal support; fireplace or chimney as to result in unsafe conditions.
 - (8) Inadequate or Hazardous Wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.
 - (9) Inadequate or Faulty Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections.
 - (10) Inadequate Means of Egress. All means of egress and related components except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition.
 - (11) Inadequate Fire Suppression and Alarm systems. All fire suppression and alarm systems except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition.
 - (12) Dilapidated Exterior. Dilapidated roof coverings; dilapidated or unfinished exterior wall coverings; broken or missing doors and/or windows.
- (C) Abatement Procedures for Unsafe Buildings and Property Nuisances; Raze and Removal and Lien Authorized.
 - (1) City Prosecution Authorized. The rules and procedures of the Code Compliance Program for abatement of Unsafe Buildings and Property Nuisances should be followed. If the results of such efforts are unsatisfactory, the Code Compliance Division Director may forward the matter for prosecution to the City Prosecutor and/or to the City Council for consideration of a raze and removal resolution.
 - (2) City Council Determination Whether Property Nuisance Exists. Upon referral from the Code Compliance Division, the City Council shall hold a public hearing to determine whether or not

the subject building is a property nuisance for any of the reasons specified in §173.09(B) or otherwise unsafe, dilapidated, unsanitary or a detriment to the public welfare.

- (3) Raze and Removal Order. Upon the City Council's determination that the subject building is so unsafe, dilapidated, or unsanitary or such a nuisance that its raze and removal is necessary to protect the public health, safety, or welfare, the City Council shall by resolution order the owner of the building to completely abate said nuisance or to raze and remove the unsafe or nuisance building within not less than thirty (30) days.
- (4) Lien on the Property. If the owner fails to comply with the Resolution to completely abate this nuisance or to raze and remove the unsafe or nuisance building within the allowed period of time, the City of Fayetteville has the power to raze and remove the unsafe or nuisance building. If the City of Fayetteville razes and removes the unsafe or nuisance building, the City Council shall hold a public hearing to determine the fair and true costs to the city for this raze and removal and shall place a lien in that amount upon the subject property to be enforced pursuant to the lien enforcement procedures of §95.03 of the Fayetteville Code.

(Code 1991, §§151.51, 151.52(A)(1)(2); Ord. No. 3948, 02-20-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4679, 2-15-05; Ord. No. 5019, 5-15-07; Ord. No. 5563, 01-15-13; Ord. No. [6206](#), §§5, 11, 12, 7-16-19)

Editor's note— See editor's note to §173.03.