COMMISSIONERS' ORDINANCE NO. O-17-20

AN ORDINANCE REPEALING AND REENACTING CHAPTER 155 OF THE COVINGTON CODE OF ORDINANCES, RENTAL DWELLING LICENSING.

* * * *

WHEREAS, Chapter 155 of the Covington Code of Ordinances sets forth a residential rental dwelling licensing program; and

WHEREAS, City staff have researched additional ways to effectively manage residential rental dwelling properties; and

WHEREAS, City staff propose a revised rental dwelling license program with a multi-year license and revised processes.

NOW THEREFORE,
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

Sections 155.01 through 155.15 and 155.99 of the Covington Code of Ordinances, which read as follows, are hereby repealed:

[~~155.01 GENERAL PROVISIONS.~~

~~(A) This chapter shall apply to all rental dwellings and rental dwelling units as defined herein, including single-family residential dwellings and dwelling units in otherwise owner-occupied dwellings, including, but not limited to, boarding houses, condominiums, townhouses, and leasehold cooperatives.~~

~~(B) The requirement to obtain a rental dwelling license shall not apply to rental dwellings owned or operated by governmental agencies as public housing. However, such rental dwellings shall be subject to the remaining provisions hereof, in particular the licensing standards and conditions.~~

~~(C) The provisions hereof shall not apply to licensed hotels or motels, bed and breakfast establishments, jails, convents, monasteries, nursing homes, board and care homes, parsonages, parish houses, rectories, or hospitals.~~

~~§ 155.02 DEFINITIONS.~~

~~(A) *Meaning of certain words.* Whenever the words **BUILDING, BUILDING UNIT, DWELLING, DWELLING UNIT, PREMISES** and **STRUCTURE** are used in this~~

~~chapter, they shall be construed as though they are followed by the words "or any part thereof or any premises accessory thereto." Words used in the singular include the plural and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.~~

~~(B) *Generally*. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~***BOARD.*** The Rental Dwelling License Appeals Board established by this chapter.~~

~~***BUILDING.*** A fixed construction with walls, foundation and roof, such as a house, factory, and garage.~~

~~***DWELLING UNIT.*** A room, or group of rooms forming a single habitable unit, including mobile homes, used or available for use for living or sleeping purposes. ***DWELLING UNIT*** shall not include a room in a rooming house or a sleeping room let to another in any house. ***DWELLING UNIT*** shall not include hotels, suite hotels, or motels that primarily rent rooms on a daily or weekly basis.~~

~~***FIRE/RENTAL INSPECTOR.*** The Community Services Manager, Fire Chief, or any of their designees, including, but not limited to, code enforcement officers employed by the Community Services Division and fire inspectors employed by the Fire Department.~~

~~***KENTUCKY BUILDING CODE.*** The statewide Building Code adopted pursuant to KRS 198B.010 et seq.~~

~~***KENTUCKY STANDARDS OF SAFETY.*** The Kentucky Standards of Safety (Fire Prevention Code), as promulgated in Chapter 10, Title 81.5 of the Kentucky Administrative Regulations by the State Commissioner of the Department of Housing, Buildings and Construction, on the advice and recommendation of the State Fire Marshal, and all codes adopted by reference therein.~~

~~***NUISANCE CODE.*** Chapter 92 of the Covington Code of Ordinances.~~

~~***OCCUPANT.*** Any individual having possession of a premises or any individual over one year of age, living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit; except that in dwelling units a guest shall not be considered an occupant.~~

~~***OWNER.*** Any person who, alone or jointly or severally with others:~~

~~(a) Shall have legal title to any premise, building, or building unit, with or without accompanying actual possession thereof; or~~

~~(b) Shall have charge/care, or control of any premise, building unit, as owner or agent of the owner, or any executor, administrator, trustee, or guardian of the estate~~

~~of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.~~

~~***PERSON.*** Any individual, firm, corporation, association, partnership, cooperative, or governmental agency.~~

~~***PREMISES.*** A platted lot or part thereof or unplatted lot or parcel of land or plat of land, either occupied or unoccupied by a dwelling or other structure, and includes any such building or part thereof, accessory structure or other structure thereon.~~

~~***PROPERTY MAINTENANCE CODE.*** The International Property Maintenance Code, as adopted by the city pursuant to §§ 152.20 and 152.21 of the Covington Code of Ordinances.~~

~~***RESIDENT.*** Any adult residing within the city.~~

~~***RENTAL DWELLING.*** Any residential structure or residential or commercial building containing one or more units, which the owner either actually rents or leases or intends to rent or lease to the public for residential purposes, excluding those buildings not covered by this chapter.~~

~~***RENTAL DWELLING LICENSE.*** The rental dwelling license established by this chapter.~~

~~***RENTAL DWELLING UNIT.*** Any unit within a rental dwelling that is either actually rented or leased to the public or is intended to be rented or leased to the public for residential purposes, excluding those units not covered by this chapter.~~

~~***SAFETY.*** The condition of being reasonably free from danger and hazards which may cause accidents or disease.~~

~~***TENANT.*** A person 18 years of age or older who occupies a dwelling unit and is either the owner of the unit or one who legally occupies the unit pursuant to a lease or other rental agreement with the owner.~~

~~***UNIT.*** A room or group of rooms located within a building forming a single habitable unit.~~

~~***ZONING ORDINANCE.*** The Covington Zoning Ordinance (Commissioners' Ordinance No. O-37-06) and all amendments thereto.~~

~~**§ 155.03 RESPONSIBILITIES OF OWNERS.**~~

~~(A) No person shall let to another person for occupancy any unit unless it complies with all applicable laws and ordinances, including the Kentucky Standards of Safety, the Kentucky Building Code the Property Maintenance Code, the Nuisance Code, the Zoning Ordinance, and/or any other applicable laws.~~

~~(B) Every owner of a rental dwelling containing two or more rental dwelling units shall maintain in an unobstructed, secure, and sanitary condition any shared entrances or shared stairways or public areas.~~

~~(C) The owner of any rental dwelling which is required to be licensed hereunder, prior to the time of sale of the rental dwelling, shall notify the buyer, in writing, of all unabated orders and notices of violations issued against the rental dwelling. A copy of the notification shall be mailed to the Community Services Division within five days of furnishing the notification to the buyer. For the purpose hereof, ***TIME OF SALE*** shall be construed to mean when a written purchase agreement is executed by the buyer or, in the absence of a purchase agreement, upon the execution of any document providing for the conveyance of any rental dwelling required to be licensed.~~

~~§ 155.04 RENTAL DWELLING LICENSE.~~

~~(A) No person shall rent, offer for rent, or allow to be occupied any rental dwelling unit unless the owner has first obtained a rental dwelling license as provided herein.~~

~~(B) One rental dwelling license shall be required for each rental dwelling unit.~~

~~(C) The city shall have authority to exercise its regulatory powers under this chapter, including the power to issue, deny, renew, or suspend any rental dwelling license, with respect to any rental dwelling unit.~~

~~§ 155.05 ISSUANCE, DURATION, AND RENEWAL.~~

~~(A) The owner of each rental dwelling unit shall make initial written application for a rental dwelling license to the Community Services Division on a form provided by the city. The city may provide an electronic application in lieu of, or in addition to, a written application.~~

~~(B) All rental dwelling licenses shall be issued on an annual basis. The license period shall be for one full year commencing January 16 and extending through and expiring on January 15 of the following year, subject to renewal year to year.~~

~~(C) The owner of each rental dwelling unit holding a current and valid rental dwelling license shall make written application for a renewal of the rental dwelling license to the Community Services Division on a form provided by the city. The city may provide an electronic renewal application in lieu of, or in addition to, a written application.~~

~~(D) No application for renewal or reissuance shall be granted while a license is under suspension until the violations that resulted in suspension have been remedied.~~

~~(E) Any application for renewal made after January 15 of each year shall be subject to a late fee of $60. No owner shall be subject to more than one late fee in one calendar year, regardless of the number of renewal applications submitted. No late fee shall apply to:~~

> ~~(1) A first-time application for a rental dwelling license for a particular rental dwelling unit;~~
>
> ~~(2) An application submitted after a period of 90 days or more in which the subject rental dwelling unit was not rented or offered for rent; or~~
>
> ~~(3) An application submitted due to a change in ownership, pursuant to division (F) of this section, provided that the application is submitted within 30 days of the change in ownership of the rental dwelling and/or rental dwelling unit.~~

~~(F) Any rental dwelling license issued hereunder is nontransferable. A new license application shall be required for each change of ownership of any rental dwelling.~~

~~§ 155.06 LICENSING STANDARDS AND CONDITIONS.~~

~~(A) The following minimum standards and conditions shall be met in order to obtain and maintain a rental dwelling license:~~

> ~~(1) The rental dwelling shall comply with all applicable provisions of the Kentucky Building Code, Kentucky Standards of Safety, Nuisance Code, Property Maintenance Code, and Zoning Ordinance.~~
>
> ~~(2) The rental dwelling shall not exceed the maximum number of units permitted by the zoning code.~~
>
> ~~(3) The rental dwelling shall not be overcrowded or illegally occupied in violation of any applicable code.~~
>
> ~~(4) The rental dwelling shall not have been used or converted to any other type of use in violation of the Zoning Ordinance.~~
>
> ~~(5) The owner of the rental dwelling shall not be delinquent in the payment of any financial obligation owed to the city, included, but not limited to, occupational license taxes or other taxes, liens, and rental inspection fees.~~

~~(B) Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of any rental dwelling license following the procedures established by this chapter.~~

~~§ 155.07 INSPECTION.~~

~~(A) The Fire Chief shall enforce the provisions of this chapter and shall make inspections pursuant to this chapter by and through his or her authorized Fire/Rental Inspectors.~~

~~(B) The city's Fire/Rental Inspectors shall conduct a proactive inspection of the common areas of every rental dwelling required to be licensed hereunder. The commons areas of each rental dwelling shall be proactively inspected by a Fire/Rental Inspector no less often than once every three years. A Fire/Rental Inspector may also inspect the interior of a rental dwelling unit as part of a proactive inspection, but only with the consent of the property owner or tenant.~~

~~(C) In addition to the proactive inspections conducted pursuant to division (B) of this section, the rental dwellings and rental dwelling units required to be licensed hereunder shall be inspected by a Fire/Rental Inspector under the following circumstances:~~

~~(1) An inspection of a rental dwelling and/or a rental dwelling unit shall be made where any person has made a complaint to an employee of the city.~~

~~(2) An exterior inspection of a rental dwelling and an interior inspection of common areas and each rental dwelling unit within the rental dwelling shall be made where a Fire/Rental Inspector observes the existence of any of the following rental dwelling conditions:~~

~~(a) One or more broken windows, or an open area where a window should exist.~~

~~(b) Visible exterior damage to the roof of the rental dwelling.~~

~~(c) Visibly damaged or missing gutters.~~

~~(d) One or more visibly damaged and/or rotted exterior stairs.~~

~~(e) One or more visibly damaged and/or rotted exterior porches and/or balconies.~~

~~(f) Visibly damaged exterior walls.~~

~~(g) Excessive weeds or grass on the premises in excess of ten inches in height.~~

~~(h) A prohibited trash set-out as defined in Chapter 95 of this code.~~

~~(i) A violation of licensing standards and conditions identified through a proactive inspection of the common areas of the rental dwelling.~~

~~(3) An inspection shall be made of any rental dwelling unit and any adjacent common areas where an owner has failed to renew the rental dwelling license for that unit pursuant to § 155.05(C), unless the owner offers clear and convincing evidence that the rental dwelling until is no longer being rented or offered for rent.~~

~~(4) An inspection of a rental dwelling and/or a rental dwelling unit shall be made where an employee of the city reasonably believes that a condition exists that relates to a life or safety issue.~~

~~(5) Where an inspection has been made of a rental dwelling pursuant to division (C)(2), the city's Fire/Rental Inspectors shall be authorized to inspect the interior and/or exterior of other rental dwellings and rental dwelling units with the same owner as the inspected rental dwelling, provided the Fire/Rental Inspector reasonably believes that violations of the licensing standards and conditions contained herein exist at those premises.~~

~~(D) Inspections shall be made:~~

~~(1) To determine compliance with all licensing standards and conditions contained herein; and~~

~~(2) For rental dwelling units for which no license has been applied for or which are unlicensed or unregistered.~~

~~(E) Any owner of a rental dwelling that is inspected pursuant to this section for any reason other than a regular proactive inspection shall be assessed a fee of $30 per rental dwelling unit inspected in order to compensate the city for its costs in carrying out the inspection.~~

~~§ 155.08 NOTICE OF INSPECTION AND CONSENT.~~

~~(A) No notice shall be required for an inspection of the exterior of any rental dwelling, or for any inspection made for a life or safety issue under § 155.07(C)(4).~~

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~~(B) For all interior inspections conducted pursuant to § 155.07(C), except those made for a life or safety issue under § 155.07(C)(4), the Fire/Rental Inspector shall:~~

~~(1) Make a minimum of one attempt to contact the owner of the rental dwelling to obtain consent for the inspection; and~~

~~(2) Contact the tenant of any occupied rental dwelling unit to obtain consent for the inspection.~~

~~(C) The Fire/Rental Inspector may enter any dwelling unit and the common areas used by the tenant in that dwelling unit at the tenant's invitation without the consent of the owner.~~

~~(D) If the Fire/Rental Inspector is unable to obtain consent for an interior inspection, the city shall apply to a court of competent jurisdiction to obtain an administrative warrant or other relief necessary to obtain legal access to the interior of the rental dwelling unit.~~

~~(E) The Fire/Rental Inspector and the owner, occupant, or other person in charge of premises subject to this chapter may agree to an inspection by appointment.~~

~~§ 155.09 NOTICE OF VIOLATION; REINSPECTION.~~

~~(A) Whenever a Fire/Rental Inspector determines that any rental dwelling or rental dwelling unit fails to meet the requirements set forth in this chapter, he or she shall issue a notice setting forth the alleged violations of this chapter and advise the owner or his or her designee that such violation must be corrected. This notice shall:~~

~~(1) Be in writing;~~

~~(2) Set forth the alleged violations of this chapter;~~

~~(3) Describe the rental dwelling unit where the violations are alleged to exist or to have been committed;~~

~~(4) Provide a reasonable time of at least 30 days for corrections to be made; and~~

~~(5) State that the violation must be corrected within the time period provided and describe any applicable procedure and time limit to apply for a reconsideration or formal hearing.~~

~~(B) The Fire/Rental Inspector shall cause the notice of noncompliance to be sent by regular mail or hand delivery to the owner of the subject rental dwelling or to the owner's agent.~~

~~(C) At or before the end of the period of time allowed for compliance, the owner of the subject rental dwelling or rental dwelling unit shall contact the Fire/Rental Inspector to~~

~~schedule a reinspection. The reinspection shall be scheduled to occur within two weeks of the end of the time period allowed for compliance.~~

~~(D) Any owner of a rental dwelling or rental dwelling unit that is reinspected pursuant to this section shall be assessed a fee in order to compensate the city for its costs in earning out the reinspection. All rental reinspection fees shall be due and payable 30 days from the date of invoice by the city's Finance Department. Fees shall be assessed per rental dwelling unit reinspected according the following schedule:~~

~~First reinspection $30.00~~
~~Second reinspection $100.00~~
~~Third reinspection $200.00~~
~~Fourth and subsequent reinspections $500.00~~

~~§ 155.10 SUSPENSION AND REINSTATEMENT.~~

~~(A) The Community Services Manager or the Fire Chief shall be authorized to suspend any rental dwelling license when the following conditions are met:~~

~~(1) No less than 30 days shall elapse from the date notice is provided pursuant to § 155.09 for non-life safety related violations;~~

~~(2) The Fire/Rental Inspector shall determine that the licensing deficiencies set forth in the notice have not been remedied, or that the owner of the rental dwelling or rental dwelling unit has failed to schedule or permit a follow-up inspection pursuant to § 155.09(D);~~

~~(3) The Fire/Rental Inspector shall send via certified mail the notice of suspension of the rental dwelling license to the rental dwelling owner or the owner's agent. In the event that the certified mail is returned unclaimed, the notice shall then be conspicuously posted on the subject rental dwelling. The notice shall contain the following information:~~

~~(a) That a determination has been made by the Fire/Rental Inspector that the rental dwelling or rental dwelling unit fails to comply with the licensing standards and conditions or any other provision set forth herein, indicating the specific reasons for such failure;~~

~~(b) That the subject rental dwelling license has been suspended;~~

~~(c) That after suspension of the rental dwelling license, the rental dwelling or rental dwelling unit shall not be reoccupied or rented until sufficient proof has been provided to the Fire/Rental Inspector that all violations have been corrected and the rental dwelling license is reinstated or reissued; and~~

~~(d) That the owner may appeal the suspension to the city Rental Dwelling License Appeals Board and that the appeal must be filed within seven days.~~

~~(B) The suspension of a rental dwelling license shall be effective upon receipt by the owner of the notice of suspension; provided, however, that an appeal filed pursuant to § 155.12 shall stay the suspension during the pendency of the appeal to the Board. For purposes of this division, receipt shall be deemed to have occurred upon acceptance of the notice sent by certified mail or upon public posting of the notice of suspension pursuant to division (A)(3).~~

~~(C) Upon notice to the Fire/Rental Inspector from an owner of a rental dwelling unit with a suspended license that the violations that resulted in the suspension have been remedied, the Fire/Rental Inspector shall reinspect the subject premises or dwelling unit, but shall not be required to do so more often than once every 30 days. Fees for reinspection shall be charged pursuant to § 110.09(D). Following reinspection, the Fire Chief or Community Services Manager shall:~~

~~(1) Upon a determination that the owner has shown by clear and convincing evidence that the violations resulting in the suspension have been abated, reinstate and/or renew the suspended rental dwelling license; or~~

~~(2) Upon a determination that the owner has not shown by clear and convincing evidence that the violations resulting in the suspension have been abated, provide written notice to the owner or owner's agent by certified mail or hand delivery. In the event that the certified mail is returned unclaimed, the notice shall then be conspicuously posted on the subject rental dwelling. The notice shall state:~~

~~(a) That a determination has been made that the violations resulting in the suspension have not been abated;~~

~~(b) The violations that remain to be corrected prior to reinstatement; and~~

~~(c) That the owner may appeal the determination to the city Rental Dwelling License Appeals Board and that the appeal must be filed within seven days of receipt. For purposes of this division, receipt shall be deemed to have occurred upon acceptance of the notice sent by certified mail or hand delivery or upon public posting of the notice of suspension.~~

~~(D) Whenever a notice of suspension is issued hereunder, the Fire/Rental Inspector shall cause a notice to the tenants to be prominently posted on the rental dwelling, which shall indicate that:~~

~~(1) A license proceeding has been commenced against the owner because the rental dwelling has been found to be in violation of licensing standards and conditions; and~~

~~(2) The tenants may be required to vacate the building, depending upon the outcome of the proceeding.~~

~~§ 155.11 CONDEMNED BUILDINGS.~~

~~(A) When any rental dwelling is condemned as hazardous or unfit for human habitation due to defects in its structure or its electrical, plumbing, or mechanical systems, or is boarded, requiring a code compliance inspection prior to re-occupancy, the rental dwelling license or licenses issued therefor shall be suspended by the Fire Chief or Community Services Manager effective the date of condemnation, and shall provide notice to the owner of the suspension as provided for in § 155.10(A)(3).~~

~~(B) Any appeal of a suspension under this section shall be taken to the city Rental Dwelling License Appeals Board in the same manner as any other appeal of a suspension.~~

~~(C) A rental dwelling with one or more suspended licenses under this section shall only be eligible to hold a rental dwelling license upon issuance of a certificate of occupancy.~~

~~§ 155.12 APPEALS.~~

~~(A) There is hereby established a Rental Dwelling License Appeals Board. The Board shall consist of five residents of the city, who shall be appointed by the Mayor with the approval of the Board of Commissioners. Two Board members shall initially be appointed to a one-year term, and three Board member shall initially be appointed to a two-year term. Thereafter, all members shall be appointed to a two-year term. Vacancies shall be filled by appointment in the same manner and for the duration of the unexpired term. The Board shall elect one of its members to serve as Chair.~~

~~(B) The Board shall be empowered to hear and adjudicate appeals from:~~

~~(1) The suspension of a rental dwelling license under this chapter;~~

~~(2) The denial or refusal to renew a rental dwelling license under this chapter; and~~

~~(3) Determinations under this chapter that the violations resulting in the suspension of a rental dwelling license have not been abated.~~

~~(C) Any owner aggrieved by any action listed in division (B) may, within seven days of receipt of notice of such action, file a written appeal with the Board setting forth his or her reasons for contesting the action.~~

~~(D) Upon receipt of the appeal, the Board shall set a date for a hearing and shall notify the appellant. Except upon mutual agreement by the appellant and the city, the hearing shall be held not less than three days and not more than 45 days from the date the appeal is received.~~

~~(E) If the appellant fails to appear at a properly scheduled hearing before the Board, the Board shall summarily affirm the appealed action, unless the appellant shows good cause for his or her failure to appear.~~

~~(F) At the hearing before the Board, the city shall present evidence supporting the appealed action. The appellant shall be given an opportunity to show cause why the appealed action should be modified or reversed or why the period of time permitted for compliance prior to suspension should be extended. The burden of proof shall be upon the city to demonstrate that the appealed action was permitted by the provisions of this chapter.~~

~~(G) The Board may:~~

~~(1) Affirm the appealed action;~~

~~(2) Reverse the appealed action; and/or~~

~~(3) Modify the appealed action by reversing with conditions or granting an extension of time for the performance of any act required where there is a practical difficulty or undue hardship connected with the performance of any act required by the provisions of this chapter, provided that such extension or other action shall be in harmony with the general purpose of this chapter to secure the public health, safety, and welfare. Where conditions are imposed or additional time is granted, the Board may delay final action and continue the matter to a later date in order to ensure compliance.~~

~~(H) The decision of the Board shall be reduced to writing and shall be final unless continued. The written decision shall be mailed or hand delivered to the appellant. Any aggrieved party to a final decision of the Board may appeal, within 30 days of the date of the issuance thereof, to the Kenton Circuit Court, as provided by law. Any decision of the Board adverse to the appellant shall indicate that the appellant has a right to appeal as described in this division.~~

~~§ 155.13 VACATION OF AFFECTED RENTAL DWELLINGS.~~

~~When any rental dwelling license has been denied, or suspended, or has failed to be initially applied for or renewed, or when the license holder has failed to obtain a current rental dwelling license upon proper application, the Fire/Rental Inspector shall order the~~

~~rental dwelling or rental dwelling unit vacated, giving the tenants thereof a reasonable time to arrange for new housing, not to exceed 60 days. No rental dwelling unit shall be rented again until the rental dwelling license holder/owner is properly licensed.~~

~~§ 155.14 REMEDIES NOT EXCLUSIVE.~~

~~The remedies provided herein are not to be deemed exclusive. They shall be in addition to and do not supersede or preempt other remedies such as condemnation, written violation orders and warnings, citations issued pursuant to Chapter 92 of this Code, and/or criminal charges for violation of substantive provision of any city or state codes relating to fire, zoning, life safety, property maintenance, and/or buildings. Further, the remedies herein do not supersede or affect the legal rights and remedies provided under law to the tenants to any rental dwelling or unit therein.~~

~~§ 155.15 PROMULGATION OF RULES AND REGULATIONS.~~

~~The City Manager shall have authority to issue and promulgate such rules and regulations as he or she may consider necessary for the administration of this chapter, provided such rules and regulations are not inconsistent with the provisions hereof.~~

~~§ 155.99 PENALTY.~~

~~(A) Any person who violates any provision of § 155.04(A) shall be deemed guilty of a Class B misdemeanor, provided the person had notice that a rental dwelling license was required for the subject rental dwelling or rental dwelling unit.~~

~~(B) The city shall possess a lien on property for all fines, penalties, charges, attorney's fees, and other reasonable costs associated with enforcing this chapter and placing of a lien on a parcel of real property pursuant to this code. The lien shall be superior to and have priority over all other liens filed subsequently, except state, county, school board, and city taxes.~~]

Section 2

Sections 155.01 through 155.15 and 155.99, which read as follows, are added to and amend the Covington Code of Ordinances:

§ 155.01 PURPOSE.

(A) It is the purpose of this chapter to promote the health, safety, and welfare of residents and of occupants of rental dwellings in the City of Covington. By requiring the registration of all rental dwelling units, it is the City's intent to ensure that rental housing is safe, sanitary, and properly operated and maintained in continued compliance with all

applicable regulations to meet basic housing maintenance requirements and to not become a nuisance to the neighborhood and community.

§ 155.02 GENERAL PROVISIONS.

(A) All persons renting residential property in the City of Covington must obtain a rental dwelling license. This chapter shall apply to all rental dwellings and rental dwelling units as defined herein, including single-family residential dwellings and dwelling units in otherwise owner-occupied dwellings, including, but not limited to, boarding houses, condominiums, townhouses, and leasehold cooperatives.

(B) The requirement to obtain a rental dwelling license shall not apply to rental dwellings owned by governmental agencies as public housing. However, such rental dwellings shall be subject to the remaining provisions hereof, in particular the licensing standards and conditions.

(C) The provisions hereof shall not apply to licensed hotels or motels, bed and breakfast establishments, jails, convents, monasteries, nursing homes, board and care homes, parsonages, parish houses, rectories, or hospitals.

§ 155.03 DEFINITIONS.

(A) Meaning of certain words. Whenever the words BUILDING, BUILDING UNIT, DWELLING, DWELLING UNIT, PREMISES and STRUCTURE are used in this chapter, they shall be construed as though they are followed by the words "or any part thereof or any premises accessory thereto." Words used in the singular include the plural and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

(B) Generally. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. Any owner or managing agent applying for a rental dwelling license.

BOARD. The Code Enforcement Board established by Chapter 92 of the Covington Code of Ordinances.

BUILDING. A fixed construction with walls, foundation and roof, such as a house, factory, and garage.

DWELLING UNIT. A room, or group of rooms forming a single habitable unit, including mobile homes, used or available for use for living or sleeping purposes. DWELLING UNIT shall not include a room in a rooming house or a sleeping room let to another in any house. DWELLING UNIT shall not

include hotels, suite hotels, or motels that primarily rent rooms on a daily or weekly basis.

RENTAL INSPECTOR. Any employee so designated by the City Manager or his or her designee, including, but not limited to, code enforcement officers employed by the Code Enforcement Division.

KENTUCKY BUILDING CODE. The statewide Building Code adopted pursuant to KRS 198B.010 et seq.

KENTUCKY STANDARDS OF SAFETY. The Kentucky Standards of Safety (Fire Prevention Code), as promulgated in Chapter 10, Title 81.5 of the Kentucky Administrative Regulations by the State Commissioner of the Department of Housing, Buildings and Construction, on the advice and recommendation of the State Fire Marshal, and all codes adopted by reference therein.

MANAGING AGENT. Any person responsible for the maintenance or operation of any residential rental property.

NUISANCE CODE. Chapter 92 of the Covington Code of Ordinances.

OCCUPANT. Any individual having possession of a premises or any individual over one year of age, living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit; except that in dwelling units a guest shall not be considered an occupant.

OWNER. Any person who, alone or jointly or severally with others:

> *(1) Shall have legal title to any premise, building, or building unit, with or without accompanying actual possession thereof; or*
>
> *(2) Shall have charge/care, or control of any premise, building unit, as owner or managing agent of the owner, or any executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.*

PERSON. Any individual, firm, corporation, association, partnership, cooperative, or governmental agency.

PREMISES. A platted lot or part thereof or unplatted lot or parcel of land or plat of land, either occupied or unoccupied by a dwelling or other structure, and includes any such building or part thereof, accessory structure or other structure thereon.

PROPERTY MAINTENANCE CODE. The International Property Maintenance Code, as adopted by the City pursuant to §§ 152.20 and 152.21 of the Covington Code of Ordinances.

PROVISIONAL RENTAL DWELLING LICENSE. The rental dwelling license issued after application but before inspection of a rental dwelling unit. The provisional rental dwelling license converts to a regular rental dwelling license upon successful inspection.

RESIDENT. Any adult residing within the City.

RENTAL DWELLING. Any residential structure or residential or commercial building containing one or more units, which the owner or managing agent either actually rents or leases or intends to rent or lease to the public for residential purposes, excluding those buildings not covered by this chapter. This definition shall also include situations where the residential structure is occupied by a person or persons who is/are not the title owner of the structure and the title owner is being compensated for such arrangement.

RENTAL DWELLING LICENSE. The rental dwelling license established by this chapter.

RENTAL DWELLING UNIT. Any residential unit within a rental dwelling that is actually rented, leased, or otherwise made available to the public or is intended to be rented, leased, or otherwise made available to the public for residential purposes, excluding those units not covered by this chapter. This definition shall also include situations where the residential structure is occupied by a person or persons who is/are not the title owner of the structure and the title owner is being compensated for such arrangement. With regard to mixed-use properties, only those units within the parcel that are rented, leased, or made available to the public for residential purposes shall require a Rental Dwelling License.

SAFETY. The condition of being reasonably free from danger and hazards which may cause accidents or disease.

TENANT. A person 18 years of age or older who occupies a dwelling unit and is either the owner of the unit or one who legally occupies the unit pursuant to a lease, rental agreement, or other financial arrangement with the owner or managing agent.

UNIT. A room or group of rooms located within a building forming a single habitable unit.

ZONING ORDINANCE. The Covington Zoning Ordinance (Commissioners' Ordinance No. O-37-06) and all amendments thereto.

§ 155.04 RESPONSIBILITIES OF OWNERS OR MANAGING AGENTS.

(A) No person shall let to another person for occupancy any unit unless it complies with all applicable laws and ordinances, including the Kentucky Standards of Safety, Kentucky Building Code, Property Maintenance Code, Nuisance Code, Zoning Ordinance, and/or any other applicable laws.

(B) Every owner or managing agent of a rental dwelling containing two or more rental dwelling units shall maintain in an unobstructed, secure, and sanitary condition any shared entrances or shared stairways or public areas.

(C) The owner or managing agent of any rental dwelling which is required to be licensed hereunder, prior to the time of sale of the rental dwelling, shall notify the buyer, in writing, of all unabated orders and notices of violations issued against the rental dwelling. A copy of the notification shall be mailed to the City Manager or his or her designee within five days of furnishing the notification to the buyer. For the purpose hereof, TIME OF SALE shall be construed to mean when a written purchase agreement is executed by the buyer or, in the absence of a purchase agreement, upon the execution of any document providing for the conveyance of any rental dwelling required to be licensed.

§ 155.05 RENTAL DWELLING LICENSE.

(A) No person shall rent, offer for rent, or allow to be occupied any rental dwelling unit unless the owner or managing agent has first obtained a provisional or regular rental dwelling license as provided herein.

(B) One rental dwelling license shall be issued per parcel to allow registered owners or managing agents to hold more than one rental dwelling license if the person rents residential property on more than one parcel.

(C) The City shall have authority to exercise its regulatory powers under this chapter, including the power to issue, deny, or renew any rental dwelling license, with respect to any rental dwelling unit.

§ 155.06 ISSUANCE AND DURATION OF RENTAL DWELLING LICENSE; FEES.

(A) The owner or managing agent of each rental dwelling unit shall make initial written application for a rental dwelling license to the City Manager or his or her designee on a form provided by the City. The City may provide

an electronic application in lieu of, or in addition to, a written application. Failure to file an application shall be deemed a violation of this subsection.

(B) A license fee shall be payable before a rental dwelling license or renewal license is issued. Rental dwelling license and renewal license fees shall be assessed per the number of rental dwelling units per parcel according to the following schedule:

1 Unit/Parcel	*$30.00*
2-4 Units/Parcel	*$60.00*
5-12 Units/Parcel	*$90.00*
13-99 Units/Parcel	*$120.00*
100+ Units/Parcel	*$150.00*

(C) All first-time applicants will be issued a three-year provisional rental dwelling license.

(D) Upon successful inspection as described hereunder, the provisional rental dwelling license will convert to a regular rental dwelling license. The regular rental dwelling license will be valid through the date listed on the provisional rental dwelling license unless sooner terminated.

(E) No regular rental dwelling license or renewal thereof shall be issued unless:

(1) The rental property is in compliance with all the provisions of the Kentucky Building Code, Kentucky Standards of Safety, Nuisance Code, Property Maintenance Code, and Zoning Ordinance; and

(2) The property owner provides the certification of a City code enforcement officer attesting that the rental property at issue is in compliance with the requirements of the Kentucky Building Code, Kentucky Standards of Safety, Nuisance Code, Property Maintenance Code, and Zoning Ordinance. Nothing in this chapter, except in the case of an emergency pursuant to § 10.22, shall be deemed to authorize the City to conduct an inspection of any property without the consent of the owner or managing agent, if the rental dwelling or rental dwelling units are unoccupied, and if occupied, upon the consent of the occupant of the property, in the absence of a warrant duly issued by a court of law.

(F) Any rental dwelling license issued hereunder is nontransferable.

(G) In the event ownership of rental property is transferred to a new owner, the new owner or managing agent shall apply for a rental dwelling license within thirty (30) days of the closing of title if any portion of the premises is rented or leased at the time of closing. If an application is not

filed as required by this subsection there shall be a presumption that the property is being utilized as rental property by the new owner(s) or managing agent(s) in violation of law. Failure to file an application or to apply within the specified period shall be deemed a violation of this subsection.

(H) A late charge equal to three times the amount of the license fees set forth in § 155.06(B) shall be charged to owners or managing agents who fail to apply for a rental dwelling license or to renew a rental dwelling license within the specified period. The late charge shall be assessed per the number of rental dwelling units per parcel according to the following schedule:

1 Unit/Parcel	***$90.00***
2-4 Units/Parcel	***$180.00***
5-12 Units/Parcel	***$270.00***
13-99 Units/Parcel	***$360.00***
100+ Units/Parcel	***$450.00***

(I) A re-inspection fee of fifty dollars ($50.00) shall be charged if the owner or managing agent fails to appear for a scheduled inspection for a second time.

(J) A re-inspection fee of fifty dollars ($50.00) shall be charged if the unit has to be re-inspected because it failed to meet the standards set forth in this ordinance or if the owner or managing agent failed to appear for a scheduled inspection.

(K) Rental dwelling licenses shall be renewed on April 15th each year, or the next applicable business day following if April 15th falls on a weekend or legal holiday. The City Manager, or his or her designee, may implement prorated license fees and staggered inspection dates to facilitate successful operation of the rental dwelling license program.

(L) A rental dwelling license shall be posted in a conspicuous place in a common area of any multifamily building.

§ 155.07 RENEWAL OF RENTAL DWELLING LICENSE.

(A) The owner or managing agent of each rental dwelling unit holding a current and valid regular rental dwelling license shall make written application, with payment of the license fee as set forth in § 155.06(B), for a renewal of the original rental dwelling license application to the City Manager or his or her designee on a form provided by the City. The City may provide an electronic renewal application in lieu of, or in addition to, a written application. All renewal applications shall be filed before the expiration of the regular rental dwelling license. Failure to file a renewal

application within the specified period will result in a late charge as set forth in § 155.06(H).

(B) A rental dwelling license may only be renewed by the same owner or managing agent for the property who is listed on the original rental dwelling license application upon the payment of the rental dwelling license fee as set forth in § 155.06.

(C) No application for renewal or reissuance shall be granted while a rental dwelling license is subject to enforcement proceedings until the violations that resulted in enforcement proceedings have been remedied and any civil fines imposed during the enforcement proceedings have been paid, or the proceedings are dismissed.

§ 155.08 DENIAL OF RENTAL DWELLING LICENSE.

(A) Failure to comply with any of these standards and conditions shall be adequate grounds for refusal to issue a regular rental dwelling license:

> ***(1) The rental dwelling does not comply with all applicable provisions of the Kentucky Building Code, Kentucky Standards of Safety, Nuisance Code, Property Maintenance Code, and Zoning Ordinance;***
>
> ***(2) The rental dwelling exceeds the maximum number of units permitted by the Zoning Ordinance;***
>
> ***(3) The rental dwelling is overcrowded or illegally occupied in violation of any applicable code;***
>
> ***(4) The rental dwelling has been used or converted to another type of use in violation of the Zoning Ordinance;***
>
> ***(5) The owner or managing agent of the rental dwelling is delinquent in the payment of any financial obligation owed to the City, included, but not limited to, occupational license taxes or other taxes, liens, and rental dwelling license fees or late charges;***
>
> ***(6) The owner or managing agent of a rental dwelling fails to correct any code violations within a proscribed timeframe;***
>
> ***(7) The rental dwelling is determined to be hazardous or unfit for human habitation due to defects in its structure or its electrical, plumbing, or mechanical systems, or is boarded, requiring a code compliance inspection prior to re-occupancy; or***

(8) The existence of any other condition or circumstance which, in the opinion of the City, is dangerous, unsafe, or jeopardizes the health, welfare, and safety of the general public or occupants.

(B) In the event a provisional rental dwelling license does not convert to a regular rental license, or if a regular rental dwelling license is not eligible for renewal, and the subject property is still being operated as rental dwelling, a code enforcement citation shall be issued to the owner of the property for failure to obtain a rental dwelling license pursuant to the procedures set forth in Chapter 92 of the Covington Code of Ordinances.

§ 155.09 VACATION OF AFFECTED RENTAL DWELLINGS.

(A) When any provisional rental dwelling license does not convert to a regular rental license, or if a regular rental dwelling license is not eligible for renewal, or if a license holder has failed to obtain a current rental dwelling license upon proper application, the City Manager, or his or her designee, shall order the rental dwelling or rental dwelling unit vacated, giving the tenants and/or occupants thereof a reasonable time to arrange for new housing, not to exceed 60 days. No rental dwelling unit shall be rented again until the owner or managing agent is properly licensed under this chapter.

§ 155.10 REMEDIES NOT EXCLUSIVE.

(A) The remedies provided herein are not to be deemed exclusive. They shall be in addition to and do not supersede or preempt other remedies such as application for a search warrant pursuant to § 10.23, emergency inspections authorized under § 10.22, condemnation, written violation orders and warnings, citations issued pursuant to Chapter 92 of this Code, and/or criminal charges for violation of substantive provision of any city or state codes relating to fire, zoning, life safety, property maintenance, and/or buildings. Further, the remedies herein do not supersede or affect the legal rights and remedies provided under law to the tenants to any rental dwelling or unit therein.

§ 155.99 PENALTY.

(A) A violation of this chapter shall constitute a civil offense, and any person who violates any provision of this chapter shall be subject to the civil fines specified in § 92.99

(B) The City shall possess a lien on property for all fines, penalties, charges, attorney's fees, and other reasonable costs associated with enforcing this chapter and placing of a lien on a parcel of real property pursuant to this code. The lien shall be superior to and have priority over

all other liens filed subsequently, except state, county, school board, and city taxes.

Section 3

This Ordinance shall take effect and be in full force from and after its passage, publication, which may be in summary form, and recording, according to the law.

Joseph U Meyer
MAYOR

ATTEST:

Margaret M Heffran
CITY CLERK

Passed: 8-11-20 (Second Reading)

7-21-20 (First Reading)

Meeting Date:					
ORD.: 1ST	2ND				
OR:					
	Bowman	2 Downing	Smith	1 Williams	Meyer
Yeas	✓	✓	✓	✓	✓
Nays					
Present, not Voting					