

# BOARD OF ALDERMEN

ITEM NO. D(3)

## AGENDA ITEM ABSTRACT MEETING DATE: September 16, 2003

**TITLE: Report: Tenant Bill of Rights and Landlord Licensing**

<b>DEPARTMENT: Planning</b>	<b>PUBLIC HEARING: NO</b>
<b>ATTACHMENTS:</b> <b>A. Resolution</b> <b>B. Memo and attachments from Mike Brough and T. C. Morphis</b> <b>C. Memo and attachment from James Harris</b>	<b>FOR INFORMATION CONTACT:</b> <b>Patricia McGuire, Planning Administrator -- 918-7327</b> <b>Mike Brough - 929-3905</b>

### PURPOSE

The Board of Aldermen's January – December 2003 Action Agenda – Project List included the task of developing a Tenant's Bill of Rights and considering landlord licensing. A report on this matter is provided for the Board's review. A resolution that accepts the report is recommended for the Board's adoption.

### INFORMATION

The following description is included in the January-December 2003 Action Agenda – Project List:

- (a) Develop tenants' bill of rights and consider landlord licensing. Evaluate privilege/revenue type licensing vs. establishing a certification requirement.
- (b) Examine what other N.C. Municipalities are doing. Explore legal and practical limitations with regard to the contractual relationship between a landlord and a tenant.

The project was assigned to the Planning Department and has been completed in cooperation with the Town Attorney's office.

A "tenants' bill of rights" is, in some communities, a legal ordinance that expresses the rights and responsibilities of tenants and landlords. In other situations, documents entitled "tenants bill of rights" might summarize legal rights and responsibilities that are found in statutes and ordinances and in these cases they are informative but not legally binding. These documents vary widely from one-page summaries, to extensive compilations of local regulations and processes. In any case, the documents are intended to provide information in support of various community goals, including:

1. Maintaining harmony in neighborhoods between tenants and owners,
2. clarifying for renters their rights to have available to them housing that meets local minimum housing requirements (and providing referral services, where needed), and
3. ensuring that tenants and landlords use and occupy rental units in compliance with federal, state, and local laws.

Town Attorney, Mike Brough, and staff of the Brough Law Firm have evaluated the North Carolina State Residential Rental Agreement Act (N.C. Gen. Stat. §§ 42-38 to 49) and landlord licensing programs in other jurisdictions and prepared a memorandum summarizing their findings (*Attachment B*).

Carrboro has, since 1978, enforced a Housing Code that specifies minimum requirements for room dimension, fixture requirements and condition of housing units. The code also assigns maintenance responsibilities to either the tenant/occupant or landlord, as appropriate. Copies of the Housing Code are provided upon request and are available on the Town's website. The code is enforced on an as-needed basis, at the request of tenants/occupants, by staff of the Inspections Division. On average, 20-30 minimum housing code inspections are performed a year (personal communication, Michael Canova, Chief Code Enforcement Officer). A memo from James Harris, Director of Community and Economic Development describes the response process (*Attachment C*).

### Findings

1. With the State's Residential Rental Agreement and the Town's Housing Code, a *de facto* 'Tenants' Bill of Rights' is already in place.
2. The Town receives a minimal number of calls for enforcement of the Housing Code. One respondent to this year's Citizen Satisfaction Survey referenced the appearance of housing. All other references to housing related to the affordability/cost of housing.
3. Benefits of a landlord-licensing program are not readily apparent and would involve additional costs. This approach is not recommended at the present time.
4. The Housing Code provisions have not been updated in many years and should be reviewed: in addition, while Section 12-19 of the Town Code establishes a requirement for smoke detectors in rental units, there is no cross-reference to the Housing Code.

### **FISCAL IMPACT**

Acceptance of the report does not carry with it any specific fiscal impacts. Should the Board wish to pursue any other options, particular fiscal impact for each would need to be evaluated.

### **RECOMMENDATION**

The Administration recommends that the Board of Aldermen adopt the attached resolution.