

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: December 15, 2016

CALENDAR NO. 31,686

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS CANTRELL AND WILLIAMS (BY REQUEST)

AN ORDINANCE to ordain Article XI of Chapter 26 of the Code of the City of New Orleans, to establish a rental registry program, requiring the registration of rental housing property, and inspections, enforcement, fees, penalties and appeals relative thereto; and to provide otherwise with respect thereto.

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**
2 **ORDAINS**, that Article XI of Chapter 26 of the Code of the City of New Orleans, be and
3 the same is hereby ordained to read as follows:

4 **“ARTICLE XI – RENTAL REGISTRY PROGRAM**

5 **Sec. 26-613. - Title.**

6 This Article shall be known as the Rental Registry Program.

7 **Sec 26-614. – Purpose and Scope.**

8 The purpose of this Article is to establish a registration requirement for owners of Rental
9 Housing Units to protect the health, safety and welfare of the public insofar as they are
10 affected by the maintenance of said Units and the occupancy thereof. The purpose shall be
11 accomplished by requiring Rental Housing Units to be registered, inspected, and properly

12 maintained; and that substandard conditions be identified and corrected. This Article shall
13 be construed to secure this express intent.

14 **Sec 26-615. – Definitions.**

15 *Department* – The Division of Code Enforcement or its designee.

16 *Director* means the Director of the Division of Code Enforcement or the Director’s
17 designee.

18 *Housing Unit* means any structure or part of a structure that is used or may be used
19 by one or more persons as a home, residence, dwelling or sleeping place (residential
20 purposes); this includes but is not limited to: single-family housing units, duplexes,
21 triplexes and four-plexes; multi-family units, apartment units, condominium units,
22 rooming-houses, guest-houses, dwellings in accessory structures; and any other structure
23 having similar accommodations, with a duration of occupancy greater than 30 consecutive
24 days.

25 *Owner* is the person(s) holding the rights of ownership as defined by Civil Code
26 Article 477 relative to a Rental Housing Unit.

27 *Rental Housing Unit* means a housing unit that is or will be occupied by a tenant
28 for residential purposes, in exchange for any form of consideration.

29 *Tenant* means a person occupying or in possession of a Rental Housing Unit,
30 pursuant to a written or oral agreement.

31 **Sec 26-616. – Applicability.**

32 (a) The registration and inspection provisions of this Article shall apply to all Rental
33 Housing Units with the exception of:

34 (1) Rental Housing Units in hotels, motels, bed and breakfasts, hostels, Short
35 Term Rentals, or RV parks;

36 (2) Rental Housing Units in any state licensed hospital, hospice, community-
37 care facility, intermediate-care facility, or nursing home;

38 (3) Rental Housing Units owned, managed, or operated by an educational or
39 medical institution, or by a third party for any of the above institutions, when units are
40 used for the sole use of employees, students, patients or others directly related to the
41 institution;

42 (4) An individual housing unit that is owner-occupied.

43 (b) The inspection provisions of this Article shall apply to all Rental Housing Units with
44 the exception of:

45 Rental Housing Units that a government entity or housing authority owns, operates or
46 manages; or units that receive funding or subsidies from federal, state, or local
47 government, only if the Rental Housing Units are subject to similar federal, state, or local
48 inspections; and

49 **Sec 26-617. – Administration.**

50 The Division of Code Enforcement, or its designee, shall be the agency responsible for the
51 administration and enforcement of this Article.

52 **Sec 26-618. – Registration Requirement.**

53 (a) With the exception of properties provided in Sec. 26-216, owners, or their
54 authorized agents, shall begin registering all Rental Housing Units with the
55 Department on January 1, 2018, according to the following schedule:

56 a. All properties with ten or more Rental Housing Units shall register by
57 March 31, 2018.

58 b. All properties with five to nine Rental Housing Units shall register by
59 August 31, 2018.

60 c. All properties with one to four Rental Housing Units shall register by
61 December 31, 2018.

62 (b) After the applicable registration deadline, it shall be a violation of this Article for
63 any person to permit occupancy of a Rental Housing Unit by a tenant without
64 registering the Rental Housing Unit with the Department.

65 (c) Every application for rental registration shall be filed on a form approved by the
66 Director of the Department, and shall contain the following:

67 (1) The address(es) for each Rental Housing Unit, which shall include the street
68 name, number(s), unit numbers, and zip code, including the number of units
69 and bedrooms therein, located on the residential property. Each individual
70 Rental Housing Unit shall be registered separately, but if an owner owns more
71 than one Rental Housing Unit on a single lot of record, the owner may submit
72 one registration application for all units owned thereon.

73 (2) The name, business address, personal address, telephone number and e-mail
74 address of the owner(s). The address(es) required shall not be a public or
75 private post office box or similar address.

76 a. If the property is owned by multiple natural persons, then the required
77 information shall be that of one person who has legal authority to
78 manage the property.

79 b. If the property is owned by a juridical entity, then the required
80 information shall be that of a registered agent or other duly authorized
81 legal representative who has authority to act on behalf of the entity.

82 (3) The name, address, email address and telephone number of the person the
83 tenant is to contact (Tenant Contact) when requesting repairs to their Rental
84 Housing Unit, if different than the owner. The required Tenant Contact's
85 address shall not be a public or private post office box or similar address.

86 (d) Upon Department's receipt of a completed rental registry application, the Rental
87 Housing Unit shall be entered into the publicly accessible database required by Sec.
88 26-632.

89 **Sec. 26-619. Registration Renewal.**

90 The registration of Rental Housing Units shall expire one year from the date of receipt of a
91 completed application by the Department, or renewal thereof. A registration renewal
92 application and the renewal fee shall be submitted at least 30 days before the current
93 registration expires. All information required by Sec. 26-618 shall be updated within 30
94 days of any changes, except as provided in Section 26-620.

95 **Sec. 26-620. Registration, Change of Ownership.**

96 Any person that acquires ownership of a Rental Housing Unit shall register the Rental
97 Housing Unit as required by Sec. 26-618 within 90 days of acquiring said Unit.

98 **Sec 26-621. – Inspection Required.**

99 (a) The Department shall provide the Owner(s) written acknowledgement of the receipt
100 of a completed application for rental registration. Thereafter, the Department shall
101 notify the Owner(s) of an inspection date as provided in Sec. 26-623.

102 (b) The Department shall inspect registered Rental Housing Units for compliance with
103 the Rental Standards in Sec. 26-632.

104 (c) If there are 5 or more Rental Housing Units on a single residential housing
105 property, unit inspections shall be conducted at the discretion of the Department as
106 follows:

107 a. 1-4 units – 100% of units inspected with the exception of an owner-
108 occupied unit

109 b. 5-29 units – at least 50% of units inspected;

110 c. 30-49 units – at least 20% of units inspected;

111 d. 50 or more units – at least 15% of units inspected.

112 Failure of any Rental Housing Unit to pass inspection may require inspection of all Rental
113 Housing Units on a single residential housing property.

114 (d) The owner, or a person who has legal authority to act on their behalf, shall be
115 present at the Rental Housing Unit at the time of inspection to ensure that the unit
116 is available for inspection. The time of the inspection shall be indicated in the
117 notice issued pursuant to Sec. 26-623, or the time that the inspection was properly
118 re-scheduled in accordance with Sec. 26-624. Violation of this subsection may
119 result in the imposition of a re-scheduling fee.

120 **Sec. 26-622. Periodic Re-inspection of Rental Housing Units.**

121 Periodic re-inspection of Rental Housing Units for compliance with the Rental Standards
122 in Sec. 26-632 shall take place as follows:

123 (a) Properties that passed initial inspection, three years from the anniversary of the
124 initial inspection;

125 (b) Properties that failed the initial inspection, two years from the anniversary of the
126 initial inspection;

127 (c) Properties that fail two consecutive inspections, every 6 months for the first year
128 and annually for the following three years from the anniversary of the date of the
129 first passed inspection.

130 **Sec. 26-623. Inspection Notice.**

131 Within 60 days of providing the owner the written acknowledgement of a completed rental
132 registration application, as required by Sec. 26-621, the Department shall provide written
133 notification of the date and time of the inspection conducted pursuant to this Article at least
134 14 calendar days prior to the date of the inspection.

135 (a) Notice shall be mailed to the address(s) of the owner(s) provided in Sec. 26-618
136 (c)(2), and the address of the Tenant Contact provided in Sec. 26-618 (c)(3), if
137 different than the owner.

138 (b) The Department shall also mail a copy of the inspection notice to the address of the
139 Rental Housing Unit as provided in Sec. 26-618 (c)(1), to notify the tenant(s), if
140 any, of the inspection.

141 (c) The Department shall enclose a copy of the standards set forth in Sec. 26-632 to all
142 mailings required by this section.

143 **Sec. 26-624. Rescheduling Inspection.**

144 An owner may reschedule an inspection by giving written notice to the Department at least
145 seven calendar days prior to the scheduled inspection date. The rescheduled inspection
146 shall be within 21 days of the previously scheduled inspection date. Rescheduling an
147 inspection more than once, or with less than seven calendar days' notice, may result in the
148 imposition of a re-scheduling fee.

149 **Sec. 26-625. Failure to Inspect.**

150 It shall be a violation of this Article for any owner to fail to fulfill the inspection
151 requirement of Sec. 26-621.

152 **Sec. 26-626. Entry.**

153 It shall be the responsibility of the owner to obtain consent of the tenant to inspect the
154 Rental Housing Unit or otherwise obtain legal access pursuant to the terms of the
155 applicable lease or law.

156 **Sec. 26-627. Satisfactory Inspection – Certificate of Compliance.**

157 (a) Upon completion of a satisfactory inspection conducted pursuant to this Article, the
158 Department shall provide the owner a Certificate of Compliance.

159 (b) An owner shall post a copy of the Certificate of Compliance at the Rental Housing
160 Unit, in the business office of the property, in a common area, or another
161 conspicuous place accessible to the tenant(s).

162 (c) After initial satisfactory inspection, the Certificate of Compliance shall be valid for
163 three years from the date of inspection, unless the Department determines that the
164 Rental Housing Unit no longer meets the standards required in this Article.

165 **Sec. 26-628. Unsatisfactory Inspection.**

166 (a) After inspection, if the Rental Housing Unit fails to comply with the provisions of
167 Sec 26-632, the Department shall notify the owner in writing of the deficiencies
168 within ten (10) business days of the inspection. The owner/operator shall be given
169 30 days from the date of the notice to schedule a second inspection. If an
170 inspection has not been scheduled within that time, the property shall be listed as
171 being out-of-compliance on the Rental Registry Database, required by Sec. 26-632,
172 and remain out-of-compliance until a satisfactory inspection is received.

173 (b) Once a satisfactory inspection is obtained after the initial unsatisfactory inspection,
174 the Certificate of Compliance shall be valid for two years from the date of
175 satisfactory inspection, unless the Department determines that the Rental Housing
176 Unit no longer meets the standards required in this Article.

177 (c) A Rental Housing Unit failing two consecutive inspections shall be issued a
178 Certificate of Compliance as follows:

179 If the Rental Housing Unit obtains a satisfactory inspection upon the third inspection, the
180 Certificate of Compliance shall be valid for six months and the Rental Housing Unit shall
181 be inspected in six month intervals for one year. Thereafter, if the Rental Housing Unit
182 obtains three consecutive satisfactory inspections, the Certificate of Compliance shall be
183 valid for one year from the date of the satisfactory inspection, unless the Department

184 determines that the Rental Housing Unit no longer meets the standards required in this
185 Article.

186 **Sec. 26-629. Additional Violations.**

187 (a) It shall be a violation of this Article for any person to permit occupancy of a Rental
188 Housing Unit by a tenant when the unit has not obtained a Certificate of
189 Compliance.

190 **Sec. 26-630. Certificate of Compliance - Rescission.**

191 (a) The City, at its discretion, may rescind the Certificate of Compliance and deem a
192 Rental Housing Unit out-of-compliance upon a finding that the unit no longer
193 complies with the standards contained herein.

194 (b) Any tenant may report potential violations of this Article by contacting the
195 Department and requesting an inspection of their Rental Housing Unit to ensure
196 compliance with the standards contained herein.

197 (c) Tenants shall have the right to pursue protected activity pursuant to this Article
198 without fear of retaliation. For purposes of this Article, “protected activity”
199 includes:

- 200 1) Notifying the lessor or his agent of any violation of any provision of this
201 Article;
- 202 2) Requesting corrective action reasonably calculated to redress any violation of
203 this Article;
- 204 3) Notifying regulatory authorities or the members of the public of any violation
205 of this Article; or

206 4) Providing testimony in court or administrative proceedings relative to any
207 violation of this Article.

208 (d) Prohibited acts of retaliation include but are not limited to unlawful termination of
209 a lease, decreasing services, bringing or threatening to bring a lawsuit against a
210 tenant for possession, or refusing to renew a lease, where such acts are motivated
211 by the good-faith exercise of protected activity.

212 (e) Tenants shall have the right to raise protected activity under this Article as a
213 defense to any retaliatory action for possession or eviction.

214 **Sec. 26-631. Certificate of Compliance - Effect of Denial or Rescission.**

215 (a) Vacant units. When a rental dwelling unit certificate of compliance has been
216 denied or rescinded, no further rental and occupancy of Rental Housing Units then
217 vacant shall be permitted until a certificate of compliance has been issued. Notice
218 shall be mailed to the address(s) of the owner(s) provided in Sec. 26-618 (c)(2), and
219 the address of the Tenant Contact provided in Sec. 26-618 (c)(3), if different than
220 the owner.

221 (b) Occupied units. In addition to other penalties under this chapter, when a Rental
222 Housing Unit certificate of compliance has been denied or rescinded, the Rental
223 Housing Units containing such violations shall be vacated after the Director
224 provides notice to the owner and the occupants of the Rental Housing Units
225 containing said violations. Such notice shall direct the owner and occupants of the
226 Rental Housing Units containing such violations to vacate within a period of time

227 as determined by the Director and may provide a reasonable period for the owner or
228 occupants an opportunity to correct such violations. Notice shall be mailed to the
229 address(s) of the owner(s) provided in Sec. 26-618 (c)(2), the address of the Tenant
230 Contact provided in Sec. 26-618 (c)(3), if different than the owner, and to the
231 address of the Rental Housing Unit as provided in Sec. 26-618 (c)(1).

232 (c) Occupied units; immediate hazard. In addition to other penalties under this
233 chapter, when a certificate of compliance has been denied or revoked for reasons
234 which, in the determination of the Director, present violations of the housing code
235 that create an immediate hazard to the health and safety of the occupants, the
236 dwelling units containing such violations shall be vacated within 30 days of such
237 determination. The Director's determination shall be in writing and shall direct the
238 owner and occupants of the dwelling units containing such violations to vacate the
239 premises within a period of time not to exceed 30 days, as determined by the
240 Director. Notice shall be mailed to the address(s) of the owner(s) provided in Sec.
241 26-618 (c)(2), the address of the Tenant Contact provided in Sec. 26-618 (c)(3), if
242 different than the owner, and to the address of the Rental Housing Unit as provided
243 in Sec. 26-618 (c)(1).

244 **Sec. 26-632. Rental Standards.**

245 All Residential Rental Unit(s) shall comply with the following standards:

- 246 1. All Residential Rental Units shall have an operable fire and smoke detection
247 system and alarm.

- 248 2. All plumbing fixtures shall be properly connected to the public sewer system or to
249 an approved private system if the public system is not available.
- 250 3. Every Residential Rental Unit shall contain a bathtub or shower, lavatory, a flush-
251 type water closet and a kitchen sink, which shall be maintained in a sanitary and
252 good working condition.
- 253 4. All kitchen sinks, lavatories, bathtubs and showers shall be supplied with hot and
254 cold running water.
- 255 5. Water heating facilities shall be properly installed and maintained, and capable of
256 providing an adequate amount of water to be drawn at every required sink,
257 lavatory, bathtub, and shower at a minimum temperature of 110 degrees
258 Fahrenheit.
- 259 6. Every Residential Rental Unit shall be provided with heating facilities reasonably
260 capable of maintaining a minimum room temperature of 68 degrees Fahrenheit in
261 all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be
262 used to provide space heating to meet the requirements of this section.
- 263 7. A Residential Rental Unit shall be provided with a properly installed and
264 maintained electrical system, which shall be in a safe working condition and
265 capable of performing its intended function.
- 266 8. All mechanical appliances, fireplaces, solid-fuel-burning appliances and cooking
267 appliances shall be properly installed and maintained in a safe working condition,
268 and shall be capable of performing the intended function.
- 269 9. Roofs, windows, and exterior doors must be adequate to prevent dampness or
270 deterioration in the walls or interior portions of the Residential Rental Unit. No
271 evidence of mold shall be present. The roof and flashing shall be sound, tight and
272 not have defects that admit rain.
- 273 10. All interior surfaces shall be maintained in a good, clean and sanitary condition.
274 Significant cracking, decaying or other defective surface conditions shall be
275 corrected. Holes in interior walls and floors shall be sealed as necessary.
- 276 11. The Residential Rental Unit and its exterior property shall be kept free from rodent
277 harborage and infestation.

278 **Sec. 26-633. Registration Database.**

279 The City shall maintain a publicly accessible database that provides:

- 280 a. The address of the registered Rental Housing Unit;

301 Any owner denied a Certificate of Compliance after an unsatisfactory inspection may
302 appeal the determination in writing to the Department, requesting a hearing before an
303 administrative hearing officer.

304 **Sec. 26-637. Enforcement and penalties**

305 Failure to comply with any provision of this Article shall be deemed a housing violation
306 subject to enforcement, penalty and lien as provided for in the applicable provisions of
307 Chapter 6, Article II of the Code of the City of New Orleans. Nothing contained herein
308 shall limit the City from seeking any equitable remedy available by law.”

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS _____

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON _____

APPROVED:
DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON _____ **AT** _____

CLERK OF COUNCIL

ROLL CALL VOTE:
YEAS:
NAYS:
ABSENT:
RECUSED: