

THIRD READING SUBSTITUTION with ANTICIPATED COUNCILOR AMENDMENTS

ORIGINAL ORDINANCE NO: 2039
ENROLLED ORDINANCE NO:

INTRODUCED BY:

AN ORDINANCE ADDING LARAMIE MUNICIPAL CODE SECTION 8.80 RELATED TO LARAMIE RENTAL HOUSING CODE

WHEREAS, the goal of the program is to help renters and owners communicate with each other so they can resolve their issues without further city involvement or legal action;

WHEREAS, the program is complaint driven and requires documented written communication from the renter to the owner/manager at least ten (10) days before a complaint will be accepted by the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

Section 1: Adding to Laramie Municipal Code Section 8.80 as follows:

8.80-Laramie Rental Housing Code

Section 8.80.010 through 8.80.070 of this code is the "City Rental Housing Code."

8.80.010- Purpose.

The purpose of the City Rental Housing Code is to provide minimum habitability criteria to safeguard health, property and public wellbeing of the owners, occupants and users of rental housing and is intended to supplement rather than conflict with the habitability standards Wyoming State statutes.

8.80.020- Definitions

In the City Rental Housing Code the following terms and phrases have the following meanings:

"Building Codes". The currently adopted editions of the Residential, Fire, Building, Mechanical, Electrical, Plumbing and Fuel Gas Codes in the City of Laramie.

"Carbon Monoxide Alarm". A device that:

- (a) Detects carbon monoxide;
- (b) Produces a distinctive audible alert when carbon monoxide is detected;
- (c) Conforms to State Fire Marshal rules and State adopted Fire Code;
- (d) Is listed by Underwriters Laboratories or any other nationally recognized testing laboratory or an equivalent organization.

“Carbon Monoxide Source”. A heater, fireplace, appliance or cooking source that uses coal, kerosene, petroleum products, wood or other fuels that emit carbon monoxide as a by-product of combustion, or an attached garage with an opening that communicates directly with a living space.

“City Manager”. The city manager or the manager’s designee.

“ Dwelling unit”. A building or portion of a building that is used as a home, residence or sleeping place by one or more persons, persons ***except for the listed exclusions set forth in the definition of Rental Housing, subdivisions (a) through (j) below.*** For purposes of this City Rental Housing Code, where portions of a residential building are occupied under separate rental agreements, with no shared eating, cooking, and/or sanitation facilities, each portion under a separate rental agreement shall be considered a dwelling unit.

“Essential Services”. Heat, plumbing and plumbing fixtures, gas, electricity, light fixtures, locks for exterior doors, latches and screens for opening windows and any cooking appliance or refrigerator supplied or required to be supplied by the landlord; and, any other service or habitability obligation imposed by the rental agreement or W.S. §1-21-1202, the lack or violation of which creates a threat to the tenant’s health, safety or property or makes the dwelling unit unfit for occupancy.

“Major Appliance”. A furnace, water heater, refrigerator, freezer, oven, or stove.

“Rental agreement”. All written or oral agreements concerning the use and occupancy of a dwelling unit and premises. “Rental agreement” includes a lease.

“Rental housing”. A dwelling unit which is the subject of a rental agreement, except the following living arrangements:

- (a) Occupancy in transient lodging;
- (b) Occupancy in hospitals and other medical facilities;
- (c) Occupancy in residential care facilities licensed by the State;
- (d) Occupancy in institutions providing educational, counseling, religious or similar service, including residence in privately held or non-dormitory ***housing owned, controlled, or managed by institutions providing educational, counseling, religious, or similar service;***
- (e) Occupancy in a dwelling occupied for no more than 90 days by a purchaser prior to the scheduled closing of a real estate sale or by a seller following the closing of a sale, as permitted under the terms of an agreement for sale of a dwelling unit or the property of which it is a part;
- (f) Occupancy by a member of a fraternal or social organization in a structure operated for the benefit of the organization;
- (g) Occupancy in a dwelling by a squatter;
- (h) Occupancy in a dwelling by an employee of a landlord whose right to occupancy is conditional upon employment in and about the premises;
- (i) Occupancy by an owner of a condominium unit or holder of a proprietary lease in a cooperative; and
- (j) Occupancy in premises rented to be used by the occupant primarily for agricultural purposes.

“Transient lodging”. A house, room or suite of rooms which is occupied not as a principal residence by persons for periods of less than thirty (30) consecutive days, not including long term lodging arrangements in hotels and motels.

8.80.030- General Requirements for Rental Housing

All Rental Housing in the City must meet and be maintained in accordance with the following standards:

A. Structural Integrity. Roofs, floors, walls, foundations, and all other structural components shall be capable of resisting loads prescribed by the building code in effect at the time of construction.

B. Plumbing.

1. Plumbing systems shall be in a safe and sanitary condition and shall be free of defects, leaks and obstructions. The presence of significant visible concentrations of mold may be a symptom of faulty plumbing or drainage, and must be abated, however, the presence of mold, by itself, is not a violation for purposes this section.

2. Repairs must be permanent rather than temporary and shall be through generally accepted plumbing methods installed in a workmanlike manner conducted by a licensed contractor for items that require a permit as indicated in the building codes. If significant visible mold results from faulty plumbing, repairs must include removing the mold, which may include mold on or in interior walls, ceilings, sheetrock, insulation, floors, carpets or carpet backing.

C. Heating.

1. A permanently installed heat source able to provide a room temperature of sixty-eight (68) degrees Fahrenheit. Portable space heaters may not be used to achieve compliance with this section.

2. All heating devices or appliances shall conform to applicable law at the time of installation.

3. Ventilation for fuel-burning heating appliances shall be as required by the applicable Building, Fire, and Mechanical Code at the time of installation.

4. Repairs must be permanent rather than temporary and shall be through generally accepted heating methods installed in a workmanlike manner conducted by a licensed contractor for items that require a permit as indicated in the building codes.

D. Weatherproofing.

1. Roof, exterior walls, windows and doors shall be maintained to prevent water intrusion into the building envelope which may cause damage to the structure or its contents or may adversely affect the health of an occupant. The presence of significant visible mold may be a symptom of faulty weatherproofing, however, the presence of mold, unless in visible concentrations, by itself, is not a violation for purposes of sections 8.80.030 of this code.

2. Repairs must be permanent rather than temporary and shall be through generally accepted construction methods installed in a workmanlike manner. If significant visible mold results from faulty weatherproofing, repairs must include removing the mold, which may include mold on or in interior walls, ceilings, sheetrock, insulation, floors, carpets or carpet backing.

E. Security. Doors and windows leading into a dwelling unit must be equipped with locks and shall be maintained in a condition so as to restrict access into the dwelling unit.

F. Smoke detectors. Every dwelling unit shall be equipped with an approved and properly functioning smoke alarm or smoke detector installed and maintained in accordance with the state building and fire code, and applicable rules of the State Fire Marshal.

G. Carbon Monoxide Alarms. Every dwelling unit that contains a carbon monoxide source shall be equipped with at least one approved and properly functioning carbon monoxide alarm installed and maintained in accordance with State Fire Marshal rules, applicable requirements of the state building and fire code, and the Wyoming Revised Statutes. A dwelling unit that is located within a structure that contains a carbon monoxide source and is connected to the room in which the carbon monoxide source is located by a door, ductwork or a ventilation shaft is considered to contain a carbon monoxide source.

H. Electrical.

1. Electrical systems, including electrical outlets, light fixtures and light switches, shall be in good working order.

2. Electrical systems shall conform to applicable law at the time of installation. Repairs must be permanent rather than temporary and shall be through generally accepted electrical methods conducted by a licensed contractor for items that require a permit as indicated in the building codes.

I. Appliances. All major appliances furnished by the landlord must be in good working order and shall be maintained by the landlord, except that the landlord shall not be responsible for the costs of any repairs necessitated by the negligent acts or omissions of the tenant.

J. Pests. Every dwelling unit must be maintained free of pests. At a minimum, the landlord must provide commercially available pest control measures, traps, treatments, and the sealing of gaps and holes in the dwelling structure.

K. Egress/Ingress/Emergency Escape. Every dwelling unit must include not less than one point of egress/ingress and each sleeping area shall have an emergency escape not less than 5.7 square feet with a minimum size net clear height dimensions of twenty-four (24) inches and a net clear opening width of twenty (20) inches with a maximum height from the finished floor of forty-four (44) inches.

L. Mold. Every dwelling unit must be maintained free of dangerous concentrations of mold. If significant visible mold results from faulty plumbing or weatherproofing, repairs must include removing the mold, which may include mold on or in interior walls, ceilings, sheetrock, insulation, floors, carpets or carpet backing and documentation from a third party mitigator stating the issue has been resolved.

8.80.040- Enforcement Upon Receipt of Complaint

A. Authority. The City Manager shall enforce the City Rental Housing Code.

B. Complaint – Generally

Any person who is party to a Rental Agreement may seek enforcement of this Code by filing a written complaint and submitting the required fee with the City Manager.

C. Complaint - Requirements

1. A complaint must be in writing and may be filed in person, by mail, or with online form.
2. Payment of the required fee.
3. A person who files a complaint must be a party to the current rental agreement covering the property in question or an agent of the party, and must, before filing the complaint, have in writing notified the property owner or owner's agent of the subject of the complaint at least ten (10) days prior to filing the complaint.
4. A complaint must include the following:
 - a. Name of person filing the complaint and, if different, the name of the affected tenant. Complaints may not be submitted anonymously;
 - b. Name of the owner and the owner's agent;
 - c. Address of the dwelling unit with the alleged violation;
 - d. A complete description of the alleged violation along with date(s) owner was notified by tenant of the alleged violation(s) and a complete copy of all renter and owner correspondence under W.S. 1-21-1203 (b); and
 - e. A copy of the written notice of the alleged code violation that has been sent by the tenant to the owner or the owner's agent.

D. Complaint – Initial Steps

Before investigating a complaint, the City Manager shall:

1. Confirm that the complainant has standing to file a complaint;
2. Confirm that the subject of the complaint could be a violation of this code;
3. Except for complaints regarding lack of essential services, confirm that the owner or the owner's agent has had ten (10) days since mailing of the written notice by the tenant to respond to the complaint;
4. For complaints involving lack of essential services, confirm that the owner or owner's agent has had forty-eight (48) hours from the time the tenant provided written notice to respond to the complaint; and

5. Provide notice to the owner and the owner's agent of the complaint.

E. Complaint - Investigation.

1. The City Manager shall conduct an investigation to confirm the validity of the complaint. The investigation shall include contact with the tenant and the owner or owner's agent.
2. If the City Manager determines that the complaint is not valid, the case shall be closed, and all parties notified.
3. If the City Manager determines that the complaint is valid, the City Manager shall issue a notice and order pursuant to subsection G. of this section.

F. Complaint – Inspection and Right of Entry

1. When it may be necessary to inspect to enforce the provisions of the City Rental Housing Code, the City Manager may enter the building or premises at reasonable times to inspect, provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the City Manager shall first make a reasonable effort to locate the owner, the owner's agent, or other person having charge or control of the building or premises and request entry. If entry is refused by the owner, the City Manager shall have recourse to every remedy provided by law to secure entry. If entry is refused by the tenant, the complaint may be dismissed, and the case closed.
2. Inspection shall be limited to the matter of the complaint except when the City Manager or any other City Official may observe any imminent danger under the Building Codes requiring immediate action.

G. Notices and Orders after Investigation.

1. If after investigation of a complaint the condition of a Dwelling Unit is found to be in violation of the City Rental Housing Code, the City Manager shall issue an order to the owner and the owner's agent. The notice and order shall include the following:
 - a. Identification of the Dwelling Unit;
 - b. A statement the City Manager has found the premises to be in violation of this code as alleged in the complaint;
 - c. A description of the violation;
 - d. A deadline for completing repairs of ten (10) days, unless the City Manager determines that:
 - i. Repairs are needed to remedy the lack of essential services or correct any situation of immediate danger. Upon making this determination, the City Manager shall fix a deadline for completing the repairs that is reasonable in the circumstances and is within forty-eight (48) hours or at the City Manager's discretion from issuance of the notice and order. However, if the City Manager determines that the repairs cannot be completed within forty-eight (48) hours,

the owner or owner's agent shall, within forty-eight (48) hours, submit a compliance schedule acceptable to the city; or

ii. The necessary repairs of non-essential services cannot be completed within the ten (10) day period. If the City Manager makes such a determination, the owner or owner's agent shall submit a compliance schedule acceptable to the city within ten (10) days;

e. A statement advising the owner and the owner's agent that if the required repairs are not completed by the deadline stated in the notice and order, the City Manager may initiate a prosecution in municipal court alleging a violation of the City Rental Housing Code; and

f. The date after which a reinspection will be scheduled.

2. The City Manager shall mail the order, and any amended or supplemental notice and order, to the tenant and to the owner or the owner's agent by first class mail. If the complaint involves lack of essential services, the City Manager shall provide such notice and order by e-mail, phone, and/or personal delivery.

3. Failure to Comply. Failure to comply with the notice and order issued under this section by the specified date shall constitute a violation subject to the penalties contained in section 8.80.050 of this code.

8.80.050- Notices and Orders – Penalties

A person who fails to comply with a notice and order issued under subsection 8.80.040 of this code and thereafter has the matter brought before the Municipal Court or other court shall be subject to:

A. A fine of not less than one hundred dollars (\$100.00) for each day or portion thereof that the violation exists after the deadlines/time limits in the notice and order have passed; and

B. Administrative revocation of rental registration; and

C. Such other legal or equitable relief to which the City may be entitled, in the Municipal Court or the courts of this State.

8.80.060- Registration of Rental Housing

A. All Rental Housing, including each Dwelling Unit, in the City must be registered by its owner with the City on a form and in a manner to be determined by the City Manager;

B. Owner must identify an Owner's Agent who resides in *Albany County Wyoming not more than sixty (60) miles from Laramie* for every Dwelling Unit and provide contact information for this responsible party;

C. The fee for registering each Dwelling Unit will be determined not less than every two years biennially by resolution of the governing body.

- D. Dwelling Unit registration must be renewed every two years;
- E. Registration fees are not refundable, but they are transferable to a new owner of the Dwelling Unit;
- F. Owner shall provide a copy of Dwelling License to tenant(s);
- G. For each calendar month or portion thereof that a Dwelling Unit is not registered with the City as required by this section, the owner may be issued a citation into Municipal Court. The penalty for a violation hereunder shall be a fine of not less than one hundred dollars (\$100.00) for each calendar month or portion thereof that a Dwelling Unit maintains unregistered and continuing until the owner complies.
- H. Owner must attest that the dwelling unit meets the requirements of 8.80.030.
- I. Owner must provide proof of ownership of registered dwelling unit.

8.80.070- Effective Date

This City Manager may implement the Rental Housing Code incrementally, but the final full implementation of the ordinance in entirety shall occur no later than May 1, 2023.

Section 2. That this ordinance shall become effective on upon passage and publication.

Passed and approved this ____ day of ____ 2021.

 Paul Weaver
 Mayor and President of the City Council

Attest:

 Nancy Bartholomew, CMC
 City Clerk

First Reading:
 Public Hearing:
 Second Reading:
 Third Reading and Final Action:

Duly published in the Laramie Boomerang this ____ day of ____, 2021.