

**CITY OF EUPORA - RENTAL PROPERTY
ORDINANCE**

WHEREAS, the City of Eupora is authorized to enact ordinances necessary for public, health safety and welfare as well as ordinances relating to the nature and extent of the use of land and the buildings within the City; and,

WHEREAS, the City of Eupora, Mississippi ("City") finds that certain of its residential neighborhoods could experience declining property values, a concomitant loss of City property tax revenue, and a decline in health, safety, and quality of life due to a lack of inspection and preventive and ongoing maintenance for an increasing number of residential rental properties; and,

WHEREAS, the City has received numerous complaints from residents regarding unabated nuisances and risks to health, welfare, and safety caused by poorly maintained rental properties in their neighborhoods, including single family homes, resulting in sanitation problems, traffic safety issues, environmental and health concerns, and code violations; and,

WHEREAS, the City finds that renters in the City tend to be increasingly financially challenged to provide regular and preventive property maintenance; and,

WHEREAS, the City finds and declares a compelling interest in establishing standards for inspecting, and ensuring the maintenance of properties that are rented or leased for residential occupancy, in order to ensure decent, safe, and sanitary residential rental properties in the City and its residential neighborhoods; and,

WHEREAS, the City has a duty and need to enact regulations that establish safe standards related to preventive and ongoing rental property maintenance, and enable the City to effectively inventory and inspect rental properties, in order to protect the overall health, safety, and welfare of the City's residents; and,

WHEREAS, Section 21-17-5 of the Mississippi Code authorizes the City to adopt ordinances with respect to the care, management, and control of its municipal affairs, property, and finances; and,

WHEREAS, Section 21-19-25 of the Mississippi Code authorizes the City to adopt codes by ordinance dealing with the general public health, safety, or welfare, or a combination of the same;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Eupora, Webster County, Mississippi, in a regular meeting on this the _____ day of _____, 2022, as follows, to-wit:

CHAPTER 2 – RENTAL HOUSING CODE

ARTICLE I. - IN GENERAL

Sec. 2-1 — 2-20. - Reserved.

ARTICLE II. – RENTAL HOUSING

DIVISION 1. - GENERALLY

Sec. 2-21. - Purpose

The Purpose of this ordinance is to preserve and promote the public health, safety, and general welfare of the residents of the City of Eupora and of the public generally. It is intended to establish base standards for rental housing in the City of Eupora so as to prevent or correct slum and blighted conditions and protect the health, safety and welfare of the community.

The regulations contained in this ordinance shall apply to all rental housing units in the City of Eupora, including manufactured homes, single family homes and multifamily units, except as provided herein. All persons or entities who have rental property within the City of Eupora are required to register their property(ies) within sixty (60) days of the enactment of this ordinance.

Sec 2-23. - Definitions

- (1) **Apartment:** A dwelling unit located in a multiple-household dwelling for occupancy by one household, either rented or leased to the occupants.
- (2) **Boarding House:** A building other than an hotel or motel where, for compensation, and by prearrangement for definite periods, meals and/or lodging are provided for two (2) or more persons (other than legally related family members) on a weekly or monthly basis.
- (3) **Building Official:** The City official designated by the Mayor and Board of Alderman or the Chief of Police or designee to administer and enforce provisions of this ordinance.
- (4) **Certificate of Compliance:** A certificate issued by the City of Eupora building official or designee to ensure that a dwelling unit is in conformance with the provisions of this ordinance.
- (5) **Dwelling:** A building, or portion thereof that is designed and used for human habitation.
- (6) **Duplex:** A detached residential building designed to be occupied by two (2) households living independently of each other.
- (7) **Dwelling, Single-Household:** A detached residential building designed for occupancy by one (1) Household.

(8) **Dwelling, Multiple-Household:** A building or group of buildings, or portion thereof, that is occupied by two (2) or more households occupying each unit independently of each other. The term "Multiple-Household Dwelling" shall be deemed to include cooperatives, duplexes, townhouses, and buildings containing apartments and condominiums. The provisions of this ordinance shall apply both to specific Rental Units and the Owners of such Rental Units, as well as to the homeowners' association or similar entity that owns, operates, manages, or maintains the premises and dwelling, or any portion thereof.

(9) **Dwelling Unit:** A room or group of rooms occupied or intended to be occupied as separate living quarters for one (1) Household.

(10) **Hotel or Motel:** A building or group of buildings where lodging, food, and various personal services are provided for persons who are usually but not always transients for compensation.

(11) **Manage:** (for purposes of this ordinance) To exercise control over the premises on behalf of the owner, including but not limited to the act of receiving and depositing, directing the deposit or otherwise exercising control over rent payments, whether or not any other manifestations of control are exercised.

(12) **Owner:** Any person that individually, jointly, or severally with others: (1) has legal or equitable title to any premises, dwelling, dwelling Unit, or rental unit, with or without accompanying actual possession thereof; or (2) has charge, care, or control of any premises, dwelling, dwelling unit, or rental unit as agent of the Owner or as receiver, executor, administrator, trustee, or guardian of the estate of the beneficial Owner.

(13) **Person:** An individual, firm, association, organization, partnership, trust, company, corporation, or other legal entity. The term "Person" shall be deemed to include any agent, assignee, receiver, executor, administrator, trustee, or guardian thereof.

(14) **Premises:** A lot, plot, or parcel of land upon which a Dwelling is located, including any other structures thereon.

(15) **Rental License:** A license issued pursuant to this ordinance by the Building Official or designee of the City of Eupora allowing a person to own, operate, manage, or maintain a single household or multiple-household dwelling located in the City, which such dwelling contains one (1) or more rental units.

(16) **Rental Unit:** A dwelling unit that is currently rented or leased to one (1) or more Tenants, at least one (1) of whom is not legally related to the Owner of such Dwelling Unit.

(17) **Same Ownership:** Ownership by the same individual, firm, association, organization, partnership, trust, company, corporation, or other legal entity; or ownership by different individuals, firms, associations, organizations, partnerships, trusts, companies, corporations, or other legal entities; in which an associate, member, partner, trustee, or shareholder, or a member of his/her family, owns a legal or equitable interest in each firm, association, organization, partnership, trust, company, corporation, or other legal entity.

(18) **Tenant:** Any individual who occupies or has a lease hold interest in a Rental Unit under

a lawful lease or rental agreement, whether oral or written, express or implied.

(19) Townhouse: A Multiple-Household Dwelling constructed as a series or group of attached Dwelling Units with property lines separating each unit.

(20) Property Management Company: A business certified or licensed by the City of Eupora or the State of Mississippi to manage rental property, who takes responsibility for the care, maintenance, tenant management, and supervision of the residential rental property under contract with the owner of said property, including receiving notices, citations, or other mail from the City of Eupora on behalf of the owner.

(21) Property Manager: An individual certified or licensed by the City of Eupora or the State of Mississippi to manage residential rental property, or who takes responsibility for the care, maintenance, tenant management, and supervision of the residential rental property under contract with the owner, including receiving notices, citations, or other mail from the City of Eupora.

(22) Residential Rental Property: Any parcel of real estate, including all land and all buildings and appurtenant structures and dwellings thereon that contain therein one or more residential rental units. Whenever the word "Property" is used herein, it shall mean residential rental property as defined by this definition.

(23) Responsible Agent: Any person or entity that serves as the principal contact for an owner.

Sec. 2-24. - License

(1) License Required. It shall be unlawful for any person to own, operate, manage, or maintain a single-household or multiple-household dwelling located in the City of Eupora, which such Dwelling contains one (1) or more Rental Units, without a current and valid rental license having been issued for such dwelling. Any person owning, operating, managing, or maintaining one or more than one (1) rental dwelling shall obtain a rental license for each separate location. It shall further be unlawful for any person to occupy any such dwelling where the owner/manager does not have a current and valid rental license. A rental housing license may be issued prior to inspection.

(2) Application. A written application for a rental license, signed by the owner, his/her agent, or property manager shall be filed with City Hall upon a form provided by the Building Official or designee for such purpose. The applicant shall be the property owner, agent, or manager and shall have the authority to provide consent for inspections. The following information shall be required in the application:

- a. The Street address of each individual rental unit.
- b. The name, address, telephone number, and email address of the property owner(s), registered agent living within the City of Eupora, or manager who is designated to receive notices and service of process and is authorized to grant consent for the City to inspect the premises and rental unit(s).

- c. Signature of the property owner, agent, or manager.
- d. A statement as to whether the utility services will be provided by the owner or be the tenant's responsibility.

(3) Duration. A rental license shall be valid for a period of one (1) year from the date of issuance. Application for renewal may be filed within thirty (30) days prior to the expiration date.

(4) License Revocation. The City of Eupora, local Building official, or designee may revoke any license to maintain or operate a rental housing unit or complex when the licensee has violated any provisions of this section, or of knowingly providing false or incomplete information in the process of application for a license or certificate of occupancy. After such decision, the license may be reissued if the circumstances leading to the decision have been remedied and the rental housing unit or complex is being maintained and operated in full compliance with the law.

Sec 2-25. - License Fee

No Rental License shall be issued until all requirements of this ordinance have been satisfied and payment made for such Rental License. The fee for a Rental License shall be twenty-five dollars (\$25) per Dwelling Unit, per year and is non-refundable. The fee shall be paid at the time the initial application is filed and at the time each renewal is filed. A registration fee shall also be required upon any change in ownership. The fee for issuing a replacement or duplicate Rental License shall be fifty dollars (\$50).

Sec 2-26. - Enforcement

The Building Official or Designee of the City is assigned the primary responsibility of overseeing and, with code enforcement, enforcing this chapter. The Building Official, designee of the city, or code enforcement officer is granted the authority expressly and impliedly needed and necessary for enforcement. Nothing in this section shall preclude employees or designees of the City of Eupora from seeking voluntary compliance with the provisions of this section or from enforcing this section, proactively or reactively, through warnings, citations, or other such devices designed to achieve compliance in the most efficient and effective manner under the circumstances.

Sec 2-27. - Inspections

(1) Inspections. The Building Official or Designee of the City, with consent of the property owner, agent, or manager, may inspect any rental unit to determine if the property meets all Building, Housing and Fire Codes of the City of Eupora. Inspections of rental property in the City of Eupora may be triggered by an official complaint submitted at City Hall or on the City Website, or if the Building Official determines probable cause to inspect the rental unit. The City shall give notice to the property owner or his/her agent via email submitted with the application of the date and time of any inspection to be conducted under

this Ordinance at least three (3) calendar days prior to the date of inspection.

(2) **Access.** If the Owner, agent, manager, or tenant of any premises refuse entry upon request of City officials to carry out inspections incident to enforcement of this ordinance, the City of Eupora may make the application to the appropriate judicial officer for a warrant based upon constitutional standards in effect at the time of the application, and shall not make entry in absence of consent, lawful warrant, or other legal authority.

Sec 2-28. - Substandard Rental Units

Any rental unit or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the unit is located, in which there exists any of the conditions listed in this ordinance, to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and is hereby declared to be a substandard building.

Sec 2-29. Substandard Conditions.

Substandard conditions may consist of, but not limited to, hazardous plumbing, hazardous mechanical equipment, fire hazards, and faulty materials of construction, hazardous or unsanitary premises, inadequate maintenance of or inadequate exits and shall include, but not be limited to, the following:

- (1) Lack of or improper water closet, lavatory, bathtub or shower.
- (2) Lack of or improper kitchen sink.
- (3) Lack of hot and cold running water to plumbing fixtures.
- (4) Lack of adequate heating facilities.
- (5) Lack of or minimum amounts of natural light and ventilation.
- (6) Lack of required electrical lighting.
- (7) Dampness of habitable rooms.
- (8) Infestation of insects, vermin or rodents as determined by the Building Official or Designee.
- (9) General dilapidation or improper maintenance (roof leaks, plumbing leaks and including weak or soft flooring) as determined by the Building Official or Designee.
- (10) Lack of connection to the required sewage disposal system.
- (11) Lack of adequate garbage and rubbish storage and removal facilities as determined by the Building Official or designee.

Sec 2-30. - Failure of Inspection.

If upon inspection, violations of interior or exterior standards exist, the owner, agent, or manager will be required to correct all violations within a reasonable period of time as determined by the Building Official or designee not to exceed ninety (90) days. In the event the rental housing unit becomes unoccupied, future occupancy will be prohibited until all violations have been corrected and the unit has been re-inspected by the City and deemed to be in compliance.

Sec 2-31. - Vacation of tenants; re-occupancy

(1) **Comply even if vacated.** An owner, agent or manager served with a citation or enforcement proceeding for violations of this ordinance shall not be relieved from responsibility to comply because the tenant(s) have vacated the rental housing unit.

(2) **Compliance before re-occupancy** The owner, agent or manager of a rental housing unit shall not lease, rent or otherwise make available for occupancy by tenants any unit against which a citation has been issued or an enforcement action has been instituted until the violations contained in the citation or enforcement proceeding have been corrected.

(3) **Utility services.** The Building Official or Designee of the City of Eupora may ask that a hold be placed on transfer of utility service to a new tenant until any outstanding enforcement actions on the unit are resolved.

Sec 2-32. - Violations and Orders to comply.

(1) When the building official or City designee determines that there has been a violation of the provisions of this ordinance or has probable cause to believe that a violation may have occurred based on a complaint filed by a tenant, neighboring resident, or any City department the building official/designee shall give fifteen (15) days' notice of such alleged violation and orders to comply to the Owner or registered agent. Such orders shall be presented in writing and include the following:

- a. A description of each offending rental unit, dwelling unit, and portion of the dwelling and premises sufficient for identification.
- b. A statement of the violations for which the notice is being issued.
- c. Correction orders allowing a reasonable amount of time for completion of the repairs, alterations, or improvements required to bring each rental unit, dwelling unit, dwelling, and premises into compliance with the provisions of this ordinance.
- d. Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in a sum not to exceed three hundred dollars (\$300) per day for each offense. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Sec 2-33. - Transfer of ownership

(1) **Notification to City; new Owner's obligations.** If an Owner sells or otherwise conveys his/her interest in a dwelling for which a rental license is currently issued, the new Owner shall

notify the City within thirty (30) days after such sale or conveyance and provide the City with all information required of the original Owner on the application for such Rental License. The new Owner shall also designate a new registered agent to receive notices and service of process and who is authorized to grant consent for the City to inspect the premises, dwelling, dwelling units, and rental units. An owner shall be required to obtain a new Rental License following each property transfer.

(2) Disclosure of violations and uncured orders. It shall be unlawful for the Owner of any dwelling unit who has received a notice of violation and orders to comply pertaining to such Dwelling, which violation remains uncured, to sell or otherwise convey his/her interest in such Dwelling unless he/she has furnished the vendee or grantee a copy of such notice and orders to comply and has given the building official or designee of the City a notarized statement from the vendee or grantee acknowledging the receipt of the same and accepting legal responsibility for curing the violation.

Sec 2-34. - Suspension of License

(1) Cause. An Owner's Rental License for a Dwelling, shall be suspended if, having received written notice of a violation, the Owner fails to comply with the correction orders within the time set for correction by the building official or designee of the City and takes no appeal.

(2) Effect of suspension. Notwithstanding any other provision of this ordinance, it shall not be unlawful for any person to continue owning, operating, managing, or maintaining a dwelling or rental unit who's Rental License has been suspended. However, it shall be unlawful for such Person to permit any new occupancies of vacant, or thereafter vacant dwelling units in such dwelling, until such time as the Rental License are restored.

(3) Disconnection of utilities. The Building Official or designee of the City may notify all public utility companies serving the dwelling or rental unit that the Rental License has been suspended for violation of this ordinance, and request that all public utility services be discontinued for such dwelling or rental unit until notice of compliance is received.

(4) Restoration. A suspended Rental License shall be restored upon compliance with the correction orders and request for restoration by the Owner.

Sec 2-35. - Appeals

An Owner, agent, manager, or tenant who disagrees with a determination or order of the Building Official or designee of the city under this ordinance, whose determination or order concerns his/her premises, dwelling, dwelling unit, or rental unit, may appeal such determination or order to the Board of Aldermen. The appeal shall be filed within ten (10) business days from the issuance of the citation. The appeal shall be in writing on a form provided by the City of Eupora for such purpose, and shall state the reasons why the appellant disagrees with such determination or order. The appeal shall be placed on the agenda for the Board of Alderman. Parties aggrieved by the final decision of the Mayor and Board of Aldermen, may appeal to a court of competent jurisdiction.

Sec 2-36. - Exemptions

The provisions of this ordinance shall not apply to:

- (1) An Owner-occupied Dwelling Unit, where such Owner allows joint occupancy of the Dwelling Unit, unless the portion of such unit that is rented or leased to the Tenant constitutes a separate Dwelling Unit as evidenced by separate kitchen facilities.
- (2) Housing accommodations in any hospital, out-patient facility, or rehabilitation center, licensed nursing homes, licensed extended medical care facilities, or licensed assisted living facilities.
- (3) Housing accommodations in any convent, monastery, or other facility occupied exclusively by a religious order with a valid section 501(c)(3) charitable or educational certification.
- (4) Hotels or Motels, except any such Hotel or Motel which has rented one (1) or more Dwelling Units for a period exceeding thirty (30) consecutive days per guest, or guests lodging together, within the past year.
- (5) Short-term Airbnb or vacation rentals.
- (6) Housing that is owned, operated, managed, or maintained by a government agency or authority.
- (7) Housing that is exempted from municipal regulation by state or federal law or administrative regulation.

Sec 2-37. - No Warranty

By adopting and undertaking to enforce this ordinance, neither the City of Eupora nor its Board of Aldermen, agents, or employees warrant or guarantee the safety, fitness, or suitability of any premises, dwelling, dwelling unit, or rental unit located in the City. Owners and Tenants should take whatever lawful steps they deem appropriate to protect their interests, property, health, safety, and welfare. A warning in substantially the foregoing language shall be printed on the face of every Rental License and Certificate of Compliance.

Sec 2-38. - Severability

Every section, subsection, or provision of this ordinance is declared separable from every other section, subsection, or provision to the extent that if any section, subsection, or provision of this ordinance shall be held invalid, such holding shall not invalidate any other section, subsection, or provision thereof.