

AN ORDINANCE TO AMEND CHAPTER 5 OF THE CITY CODE RELATING TO MANDATORY LANDLORD TRAINING AS A CONDITION FOR RENTAL BUSINESS LICENSES

#4426 **WHEREAS**, the proper management of rental dwelling housing is important to the health, safety, and welfare of persons residing in such housing, as well as to city residents generally; and

Sponsor:

Council Member

Freel

WHEREAS, the City Council enacted Section 5-92(b) of the City Code to require all

Co-Sponsor:

owners, operators, and lessors of any rental dwelling unit to attend and successfully complete a City approved landlord training program as a condition of the rental license; and

Council Member

Dixon

WHEREAS, the City has determined that a landlord training program is unnecessary for the vast majority of owners, operators, and lessors of rental dwelling units that responsibly manage their rental dwelling units; and

WHEREAS, the landlord training program would still be beneficial for certain owners, operators, and lessors of rental dwelling units that are required to obtain a provisional business license pursuant to Section 5-37(b) of the City Code.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 5 of the City Code is hereby amended by amending Section 5-92 thereof by deleting the stricken language as follows:

Sec. 5-92. - Rental dwelling units.

- (a) The license fee specified by section 5-101 shall be paid per year by the owner, operator and/or lessor of any dwelling unit at the same time and as a condition of such license. Notwithstanding any exemptions from payment provided by section 5-31(1), any non-profit entity that owns, operates or leases a rental dwelling unit shall pay the fees set forth in this section as a condition of such license. For the purpose of this section, a rental dwelling unit means any room or group of rooms located within one or more buildings and forming a single habitable unit with facilities

which are used or intended to be used for living, sleeping, cooking and eating, and which is let or rented to another for the purpose of living therein. In determining the number of dwelling units under this provision, a dwelling unit occupied by the licensee shall not be included.

~~(b) As a condition of the rental license, the owner, operator and/or lessor of any dwelling unit shall attend and successfully complete a city landlord training program within one year from the date of issuance of a license or license renewal. This condition shall be deemed satisfied when an owner, operator and/or lessor provides written proof of successful completion of a city landlord training program at the time of application for a license or license renewal. Completion, or prior completion, of a landlord training program sponsored or conducted by the Delaware Attorney General's Office, as evidenced by written proof of successful completion, shall satisfy this condition.~~

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SECTION 2. Chapter 5 of the City Code is hereby amended by amending Section 5-37

thereof by adding the underlined language to read as follows:

Sec. 5-37. - Compliance with code requirements; provisional business license.

(a) In accordance with and in addition to the provisions of section 5-36, all licensees, their agents and employees, engaged in the conduct of any business, profession, pursuit or calling licensed under this article, or performing any act pursuant to this article, shall strictly comply with all applicable provisions of this Code, particularly including, but not limited to, such Code provisions regarding the payment of taxes, water and sewer charges, fees and other charges of any kind which are related to the operation of such licensed business and which are payable to the city, and such Code requirements regarding compliance with the building, fire, health and sanitation, housing, zoning, and noise control and abatement codes, and any other rules and regulations affecting the public health, safety and welfare, as a condition to any license issued pursuant to this article.

(b) In lieu of renewing a business license, a special provisional business license may be issued to a business that 1) has been sent a notice of public nuisance under section 5-58, and 2) has been identified by the commissioner of licenses and inspections as a business that should be subject to a provisional business license. The provisional business license shall be issued with reasonable conditions designed to abate public nuisance activity. The conditions placed on the provisional business license shall solely be determined by the commissioner of licenses and inspections. However, to the extent possible, the commissioner may obtain the licensee's input in determining said conditions. The conditions may include a requirement that the owner, operator and/or lessor of any dwelling unit shall attend and successfully complete a city approved landlord training program. A provisional business license, as issued, shall authorize continuation, without penalty, of the business, pending the issuance or denial of a business license. If the conditions of the provisional business license have been adhered to and the public

nuisance is abated, a business license shall be issued to the licensee. If the conditions of the provisional business license have not been adhered to, the application for business license renewal may be denied.

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SECTION 3. This Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading October 19, 2017
Second Reading October 19, 2017
Third Reading.

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved as to form this ____ day of _____, 2017.

Senior Assistant City Solicitor

Approved this ____ day of _____, 2017.

Mayor

SYNOPSIS: This Ordinance amends Chapter 5 of the City Code by repealing the requirement that all owners, operators, and lessors of any rental dwelling unit attend and complete a City approved landlord training program as a condition of the rental license, but allows the Commissioner of Licenses and Inspections to require attendance and completion of a City approved landlord training program as a condition for the issuance of a provisional business license.

FISCAL IMPACT STATEMENT: This Ordinance has no anticipated fiscal impact.