

**ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI
MODIFYING CHAPTER 26: ARTICLE XII ADDITIONAL REQUIREMENTS FOR
RENTAL HOUSING**

WHEREAS, Article XII establishes rules for regulating and governing the conditions and maintenance of all rental property by providing the standards for conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and

WHEREAS, The City of Jackson finds it necessary to amend rules and regulations relating to Chapter 26: Article XII Additional Requirements for Rental Housing in order to continue to reasonably protect health, safety, and welfare of tenants through the enforcement of property maintenance codes; and

WHEREAS, As of the year 2022, there are more rental units than homeowner occupied units in the city of Jackson and the city finds it necessary to enforce a registration and inspection program to prevent future neglect of properties in the city; and

WHEREAS, The Department of Planning and Development recommends the proposed text amendments to Ordinance Chapter 26: Article XII Additional Requirements for Rental Housing.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI, THAT:

Chapter 26, Article XII of the Code of Ordinances of the City of Jackson, Mississippi, is hereby to read as follows:

ARTICLE XII. – RENTAL REGISTRATION PROGRAM

Sec. 26-521. – Purpose and Authority.

The purpose of this article is to establish a Registration requirement for owners of Rental Housing Units to protect the health, safety and welfare of the public insofar as they are affected by the maintenance of said Units and the occupancy thereof. The purpose shall be accomplished by requiring rental housing units to be registered and inspected. This article shall be construed to secure this express intent.

The Department of Planning and Development shall be responsible for the administration and enforcement of this article.

Sec. 26-522. – Definitions.

Unless the context clearly indicates otherwise, the following words and phrases as used in this article shall have the following meanings:

Certificate of Compliance – a document provided by the City of Jackson’s Department of Planning Division of Rental Registration upon successful application submission, approval, inspection, **as may be applicable**, and fee payment.

Local Agent: A real person who resides in the city limits of Jackson, Mississippi who is able to respond reasonably to contact made by the Director of Planning or designee on a 24-hour basis. The local agent must be able to legally represent the owner.

Owner: Any person or legal entity which owns an interest in the property in question or any legal entity which serves as a managing agent for the property in question.

Property Maintenance Code: The provisions of City of Jackson's Code of Ordinances, the 2018 International Property Maintenance Code, and any other housing standards and ordinances adopted by the City Council.

Rental Housing Unit: Any dwelling, dwelling unit, or part thereof, including but not limited to, any single-family housing unit, duplex, triplex, quadruplex, multifamily unit, apartment, condominium, **rooming house**, or **boarding house**.

Tenant: A person occupying a rental housing unit pursuant to a written or oral agreement.

Sec 26-523. – Applicability.

The registration fees and inspection provisions and of this article shall apply to all rental housing units except:

(1) Rental Housing Units that a government entity or housing authority owns, operates or manages; and

(2) Institutional dormitories or rental housing units that receive funding or subsidies from federal, state, or local government, only if the units are subject to federal, state, or local inspections.

Sec 26-524. – Registration Requirement.

(a) Owners or their authorized agents shall register all rental housing units with the Department of Planning and Development according to the following schedule:

(1) Owners or their authorized agents with more than one hundred (100) rental units shall register all rental housing units with the Department of Planning and Development by March 30, 2023;

(2) Owners or their authorized agents with between fifty (50) and ninety-nine (99) rental units shall register all rental housing units with the Department of Planning and Development by June 30, 2023;

(3) Owners or their authorized agents with less than fifty (50) rental units shall register all rental housing units with the Department of Planning and Development by August 30, 2023;

(b) After the applicable registration deadline in Section 26-524(a), no owner shall permit occupancy of a rental housing unit by a tenant without first registering the rental unit. **An owner is authorized to permit occupancy of a rental housing unit that is timely registered until the Department makes a final decision on whether to issue a Certificate of Compliance.**

Sec 26-525. – Inspection Requirements.

- (a) No later than sixty (60) days after receiving a completed application and fee, the Department shall notify the owner(s) of an inspection date and time.
- (b) Inspection of rental housing units shall be conducted as follows:
 - (1) 1-4 units – 100% of units inspected;
 - (2) 5-29 units – at least 20% of units inspected;
 - (3) 30-49 units – at least 15% of units inspected;
 - (4) 50 or more units – at least 10% of units inspected.
- (c) If the rental housing unit fails the initial inspection, the Department shall notify the owner in writing of the deficiencies within ten (10) business days of the inspection. The owner shall be given forty-five (45) days from the date of the notice to schedule a second inspection. If an inspection has not been scheduled within that time, the rental housing unit shall be listed as being out-of-compliance and shall remain out-of-compliance until a satisfactory inspection is received.
- (d) Any owner denied a Certificate of Compliance after a fourth unsatisfactory inspection may appeal the determination in writing to the Director of the Planning Department within 30 days of the failed inspection. The Director will have the authority to conduct an inspection to determine if the units passes or fails the inspection.
- (e) **If the owner, local agent, or tenant of any rental housing unit refuses entry upon request of City officials to carry out inspections under this article, the City shall apply to the appropriate judicial officer for a warrant based on constitutional standards in effect at the time of the application. No City official shall enter a rental housing unit to carry out an inspection under this article without consent, lawful warrant, or other legal authority.**

Sec. 26-526. Certificate of Compliance, Renewal and Change of Ownership.

(a) The Certificate of Compliance shall expire one (1) year from the date of issuance by the Department, or renewal thereof. Owners must apply to renew a Certificate of Compliance and pay the renewal fee at least thirty (30) days before an active Certificate of Compliance expires.

(b) Any person or entity who acquires ownership of a rental housing unit with an active registration shall update the registration information or register the unit within ninety (90) days of acquiring the unit.

(c) When a tenant has been lawfully evicted, the owner shall properly dispose of or otherwise remove any personal property or trash left on the curb within five (5) days after a warrant for removal has been executed. Personal property or trash shall be disposed of in a legal landfill or moved to storage, and the owner must be able to provide proof of said action.

Sec. 26-527. – Fees.

Rental Registration Fee (1 st inspection is included)	\$50.00 – per unit
Re-inspection Fee	\$100.00 – per unit
Annual Renewal Registration Fee	\$50.00 – per unit

Sec. 26-528. Enforcement and penalties

Failure to register rental unit by deadline	\$500.00 - per unit
<u>Unauthorized</u> Occupancy without Certificate of Compliance	\$150.00 - per unit

Failure to remove evicted tenant’s property as required under Sec. 26-526(c) \$500.00

Sec. 26-529. Severability

If any section, subsection or clause of this article shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.