**ORDINANCE NO. 2024/**

**AN ORDINANCE TO AMEND TITLE XV, CHAPTER 155**

**WHEREAS**, the Common Council for the City of Greenfield, Indiana (“Council”) desires that all rental unit communities within the City or Greenfield (“City”) be registered as part of a Landlord Registration Program with the City of Greenfield; and

**WHEREAS,** Rental Units and Communities are a vital part of the fabric of our city. They play a critical role in finding good and affordable living for our residents. Thus, by reason of their operation, use, or occupancy they affect or are likely to affect the public health, safety and general welfare of the city.

**WHEREAS,** In many cases, identifying a landlord is very difficult due to the property being registered under an LLC or an out-of-state owner. Thus it is hard to hold negligent landlords accountable for properties that are negatively impacting their tenants and the surrounding neighborhood. It is also very hard to connect the dots and identify a bad landlord that owns many properties around the city and is causing a burden on the tax payers to deal with their code violations.

**WHEREAS,** The chronology of events before a property becomes abandoned and thus a financial and public health liability for the City of Greenfield has shown in many of those cases that the properties were poorly kept rentals. Property ownership comes with responsibility and when someone rents a property to the public, there are additional responsibilities. Many properties that are poorly kept have owners who are, and at times deliberately so, difficult to track down. To address this issue, the this ordinance would establish Landlord Registration Program for the City of Greenfield.

**THEREFORE, BE IT ORDAINED** by the Common Council of the City of Greenfield, Indiana that:

**SECTION I**

Title XV, Chapter 155, shall be amended by the addition of § 155.056 entitled Landlord Registration Program as follows:

**§ 155.055 LANDLORD REGISTRATION PROGRAM.**

**A.** **Definitions.** For the purposes of the provisions of § 155.056, the following definitions shall apply:

1. Department means the Department of Planning and Engineering or its designee.

2. Landlord has the meaning set forth in IC 32-31-3-3:

(a) The owner, lessor, or sublessor of a rental unit or the property of which the unit is a part; or

(b) A person authorized to exercise any aspect of the management of the premises, including a person who directly or indirectly:

(i) Acts as a rental agent; or

(ii) Receives rent or any part of the rent other than as a bona fide purchaser.

3. Owner has the meaning set forth in IC 32-31-3-4.

(a) One (1) or more persons in whom is vested all or part of the legal title to property.

(b) The term includes a mortgagee or contract purchaser in possession.

4. Person has the meaning set forth in IC 32-31-3-5:

An individual, a corporation, an association, a partnership, a governmental entity, a trust, an estate, or any other legal or commercial entity.

5. Rental Unit has the meaning set forth in IC 32-31-3-8:

(a) A structure, or the part of a structure, that is used as a home, residence, or sleeping unit by:

(i) One (1) individual who maintains a household; or

(ii) Two (2) or more individuals who maintain a common household; or

(b) Any grounds, facilities, or area promised for the use of a residential tenant, including the following:

(i) An apartment unit.

(ii) A boarding house.

(iii) A rooming house.

(iv) A mobile home space.

(v) A single or two (2) family dwelling

6. Tenant has the meaning set forth in IC 32-31-3-10:

An individual who occupies a rental unit:

(a) For residential purposes;

(b) With the landlord's consent; and

(c) For consideration that is agreed upon by both parties.

7. Rental Unit Community has the meaning set forth in IC 36-1-20-1.5:

One (1) or more parcels of contiguous real property upon which are located one (1) or more structures containing rental units, if:

(a) The combined total of all rental units in all of the structures is five (5) or more rental units; and

(b) The rental units are not occupied solely by the owner or the owner's family.

**B.** **Registration Program**.

1. Beginning on \_\_\_\_\_\_\_\_\_\_, 2024, all owners or landlords of rental units within the city shall register with the department via a method or form prescribed by the department. The registration form shall include the following:

(a) The name, telephone number, and address of the owner;

(b) The name and address of:

(i) A person residing in Indiana authorized to manage the rental unit; and

(ii) A person who is authorized to act as agent for the owner for purposes of service of process and receiving and receipting for notices and demands; as provided in IC 32-31-3-18;

(c) An affirmation that the rental units, the real property of which the rental units are a part, and any other rental unit property owned or registered by the owner in the City of Greenfield, are not subject to any un-remediated citation of violation of the state and local codes and ordinances;

(d) An affirmation that there are no delinquent real property taxes, assessments, or penalties (other than those that are the subject of an ongoing appeal) with respect to the property, or any other rental unit property owned or registered by the owner in the City of Greenfield;

(e) A statement of the number of rental units on each separate parcel of real property covered by the registration.

2. Beginning on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, an owner or landlord of a rental unit must pay to the department an initial registration fee of $5.00. Only one registration fee is required for all rental units in a rental unit community. If a rental unit is not part of a rental unit community, a separate registration fee must be paid for each separate parcel of real property on which a rental unit is located, unless they are all registered at the same time.

3. In the event of a change of ownership, the new owner or landlord must, not later than thirty (30) days after the change of ownership, pay the registration fee as provided in Section I, B, 3 and provide updated registration information to the department.

4. Registrations must be renewed annually. The renewal fee may be up to the amount as provided in Section I, B. 3, as determined by the department.

5. The owner or landlord must notify the department within thirty (30) days of any changes to registration information.

**C. Landlord Registration Fund**

There is hereby created a special fund, to be designated as the “Landlord Registration Fund.” This fund shall be a continuing, non-reverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to the city general funds. The Clerk Treasurer shall deposit in this fund all fees assessed and collected pertaining exclusively to a rental unit or rental unit community. This fund shall be dedicated solely to reimbursing the costs actually incurred relating to the City of Greenfield Landlord Registration Program.

D. **Severability.**

In the event any section or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

(S) **Landlord Registration Penalty, as per provisions of § 155.999.**

Any person or entity who violates the provisions herein shall be deemed to have committed a civil zoning violation and may be issued a citation by the designated enforcement entity pursuant to § 155.999.

(T) The City of Greenfield shall provide public notice through the registry portal prior to adopting any future amendments to Title XV, Chapter 155.056, Landlord Registry Program.

**SECTION II**

This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication as prescribed by law.

**SECTION III**

Introduced and filed on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 2024. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed pursuant to I.C. 36-5-2-9.8. On the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024, a motion to approve the above on second reading was offered and sustained by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed pursuant to I.C. 36-5-2-9.8. Upon a motion to approve the above on third reading was offered and sustained by a vote of \_\_\_\_ in favor and \_\_\_\_\_ opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 2024 by the Common Council of the City of Greenfield, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_\_\_\_\_ opposed.

**COMMON COUNCIL OF THE CITY OF GREENFIELD, INDIANA**

Voting Affirmative: Voting Opposed:

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John Jester John Jester

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Amy Kirkpatrick Amy Kirkpatrick

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Jeff Lowder Jeff Lowder

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Thomas Moore Thomas Moore

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Joyce Plisinski Joyce Plisinski

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Dan Riley Dan Riley

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Anthony Scott Anthony Scott

ATTEST:

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Lori Elmore, Clerk-Treasurer

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024.

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Lori Elmore, Clerk-Treasurer

Approved by me this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024.

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Guy Titus, Mayor

City of Greenfield, Indiana

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