

## DIVISION 4. - RESIDENTIAL RENTAL REGISTRATION PILOT PROGRAM

### **Sec. 7-125. - Purpose.**

- (a) It is the city's charge to support, protect, and promote safe, clean, and peaceful neighborhoods for all its citizens.
- (b) City records indicate there is a greater incidence of violations of city's livability and nuisance ordinances in areas with a high percentage of residential rental units, compounded with the city's challenges in enforcing code violations due to absentee landlords. These challenges put public health and safety of all city residents at risk.
- (c) The city desires to implement a residential rental registration program that maximizes the effectiveness of code enforcement for residential rental properties and economically focuses city resources toward chronic offenders, by identifying all residential rental units in the city and their landlords.
- (d) The neighborhood association for Cannonborough/Elliott requested that this neighborhood be selected for the pilot program, based on it having experienced the greatest number of disturbance calls in 2021 of any residential neighborhood on the peninsula. In an effort to address these concerns, the City will conduct a pilot program applicable to the residential rental units in the Cannonborough/Elliott neighborhood during its first phase, as shown on the map attached hereto as exhibit A (and as may be amended to reflect expansion of the program); and
- (e) Based upon the number of college rental properties within the Radcliffeborough and Mazyck-Wraggborough neighborhoods and their proximity to Cannonborough/Elliott, together with current City staff resources, the City has approved the expansion of the pilot program to the residential rental units therein as shown on the map attached hereto as Exhibit A.
- (f) Staff will report quarterly to city council on the effectiveness and administration of the pilot program with the expectation that it shall be expanded as deemed appropriate by city council in terms of time, place, scope, and resources. City council shall retain the discretion to determine when and where to expand the pilot program, including whether to continue, modify, or discontinue the pilot program.

### **Sec. 7-126. - Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purposes of this division, have the meanings shown in this section. Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meaning such as the context implies.

*Citation* means a charge or formal written accusation of violation of a municipal, state or federal law, regulation or ordinance.

*Dwelling* means any building, structure or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

*Dwelling unit* means any one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

*Family* means:

- (1) An individual;
- (2) One (1) or more persons related by blood or marriage with any number of natural children, foster children, stepchildren or adopted children, plus not more than two (2) unrelated persons living together as a single housekeeping unit; or
- (3) A group of not more than four (4) persons not related by blood, marriage, adoption, or guardianship, living together as a single housekeeping unit, except that for properties in non-residential zoning districts containing twenty (20) or more dwelling units the maximum number of unrelated persons allowed in a single housekeeping unit shall be six (6).

*Landlord* means owner, lessor, or sublessor of the premises, whether a person, firm or corporation, including any professional management company or other agent of the landlord exercising control over the premises.

*Occupant* means any person(s) living and sleeping, either or both, in a dwelling or dwelling unit. A family shall be counted as one (1) occupant.

*Offense* means any violation of local, state, or federal statutes or ordinances which results in a forfeiture of bond, plea of guilty, no contest, acceptance into pre-trial intervention, alcohol education program or a determination of guilt by a court or a jury. For purposes of this division, all violations for which charges are made during one (1) response by law enforcement officers which result in a forfeiture of bond, acceptance into a pre-trial intervention program, alcohol education program, conviction, or a plea of guilty or no contest collectively shall be deemed one (1) offense.

*Owner* means any means one (1) or more persons, jointly or severally, in whom is vested (i) all or part of the legal title to real property, as may be shown of record in the land records of this state or (ii) all or part of the beneficial ownership and a right to present use and enjoyment of the premises.

*Organization* includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two (2) or more persons having a joint or common interest, and any other legal or commercial entity.

*Person* includes an individual or organization.

*Premises* means a residential rental unit and the structure of which it is a part and facilities and appurtenances therein and grounds, areas, and facilities held out for the use of tenants generally or whose use is promised to the tenant.

*Professional management company* means any company licensed by state department of labor, licensing and regulation as a real estate broker or property manager.

*Residential rental permit district* shall mean an area subject to the provisions of this division 4 upon designation by city council.

*Residential rental unit* or *rental unit* means a room or group of related rooms within a dwelling or dwelling unit, held out for use and occupancy as a living facility for tenants generally, or whose use is promised to the tenant for use and occupancy as a living facility, for a period exceeding twenty-nine (29) consecutive days. Whenever the words residential rental unit or rental unit are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof." Exceptions shall be the following:

- (1) Dwelling units occupied by individuals who were under a written contract, prior to a citation for violation(s) of this division, to purchase the residence after the contract has been reviewed for validity of purchase by the city attorney; or
- (2) Dwelling units owned and operated by the United States of America, the State of South Carolina, or any agency thereof, including the Housing Authority of the City of Charleston;
- (3) Dwelling units owned and operated by any institution of higher learning which operates housing for its faculty, staff or students; and
- (4) Short term rentals or STRs, as defined in section 54-120.

*Responsible local representative* means a person having his or her primary place of residence or business office within thirty (30) miles of the premises and designated by the landlord as the agent responsible for operating the premises in compliance with the ordinances adopted by the city. The responsible local representative may be a professional management company. For the purposes of this division, the term "agent" shall also include responsible local representatives.

*Rent* means the consideration, whether pursuant to a written or oral agreement, statute, or ordinance, embodying the terms and conditions concerning the use and occupancy by a tenant of the premises.

*Rental agreement* means all agreements, whether pursuant to a written or oral agreement, statute, or ordinance, embodying the terms and conditions concerning the use and occupancy of the premises.

*Tenant* means a person entitled under a rental agreement to occupy the premises to the exclusion of others.

**Sec. 7-127. - Residential rental registration district.**

Whenever the city council shall determine a particular residential area of the city is negatively impacted by livability and related issues associated with residential rental units, it shall have the discretion to expand this pilot registration program to such area and will consider the city's capacity and resources in making such determination. Once council has determined to extend this program to an area, it shall provide all owners of dwelling units located within the area at least sixty (60) days' written notice via regular mail of the commencement date of the program.

**Sec. 7-128. - Registration requirements.**

- (a) No landlord shall operate any residential rental unit within a residential rental registration district unless that landlord has registered the residential rental unit with the city.
- (b) Each individual residential rental unit requires its own registration. Registrations are not transferable.
- (c) The registration shall be valid for twelve (12) months following the date of registration, with January 1, 2023 being the first date on which applications for registration may be submitted during the pilot program. Registrations between January 1, 2023 and April 30, 2023 shall be valid until May 1, 2024. When a business license is required pursuant to chapter 17, article II, the registrations for applicable residential rental units shall be valid for the twelve-month period of May 1 to April 30.
- (d) Registration renewals after sixty (60) days of the expiration date will be assessed a late penalty fee of five (5) percent of the unpaid fee per month.
- (e) For every registered residential rental unit, the landlord or its agent must be able to service tenant and emergency calls within a reasonable time upon dispatch.
- (f) For every registered residential rental unit, the landlord shall be responsible to post, in plain view and in a conspicuous place within the residential rental unit the names, addresses, and telephone numbers of the landlord and/or responsible local representative for the residential rental unit.

**Sec. 7-129. - Registration fee.**

- (a) The annual registration fee for each residential unit shall be computed in accordance with the current fee schedule, as approved by city council, which may be amended from time to time by the council. The fee schedule shall be made available to the public online at the city's website.
- (b) All required fees shall be paid before a residential rental unit is registered.

**Sec. 7-130. - Application for registration.**

- (a) The director of livability and tourism shall register a residential rental unit to the applicant upon attestation by the landlord that (1) the premises are safe, sanitary, and fit

for human occupation and use; (2) the landlord is in compliance with the provisions of this division with respect to any other residential rental unit owned or managed by the landlord; and proof that all required registration fees have been paid as required by section 7-129 of this division.

- (b) Residential rental units shall not be registered to a landlord who does not reside within a thirty-mile radius of the city, unless a responsible local representative who resides or has an office within a thirty-mile radius of the city is designated by the landlord in its registration application. The director of livability and tourism shall be notified in writing if there is a change of landlord or responsible local representative within fourteen (14) days of the change.
- (c) The city will maintain an electronic database containing the registration information listed in section 7-131(a) for every rental unit registered.

**Sec. 7-131. - Application.**

- (a) Applications for a residential rental registration and renewals thereof shall be on a form provided by the city. Such form shall set forth the landlord's name, address, and telephone number, the residential rental unit address(es), name, address, and telephone number of the responsible local representative, and additional information as outlined on the registration application. A responsible local representative need not be listed where the landlord submitting the application resides within a thirty-mile radius of the city.
- (b) Registrations for multiple residential rental units can be requested on one (1) application when they are owned or managed by the same landlord. An application may be submitted either by the landlord or its agent.

**Sec. 7-132. - Consequences of operating without registration; other Code violations.**

- (a) Operating an unregistered residential rental unit in a residential rental registration district is a misdemeanor punishable by fine and/or incarceration. Each day the unregistered rental under this section continues is considered a separate offense. Failure to comply with the requirements of this section shall result in the issuance of a municipal summons.
- (b) Landlords, responsible local representatives, occupants, and tenants of a registered residential rental unit are subject to citations for violations of the Charleston City Code occurring at such premises within their control or which they occupy.
- (c) A landlord convicted three (3) or more times within a five-year period for operating an unregistered residential rental unit pursuant to this division may subject the landlord to proceedings for revocation of their business license. Such revocation proceedings will be governed by section 17-30 of chapter 17, article II of the Charleston City Code.
- (d) A landlord convicted five (5) or more times within a five-year period for violations of the Charleston City Code with respect to residential rental units owned or managed by the landlord may subject the landlord to proceedings for revocation of their business license.

Such revocation proceedings will be governed by section 17-30 of chapter 17, article II of the Charleston City Code.

**Sec. 7-133. - Severability.**

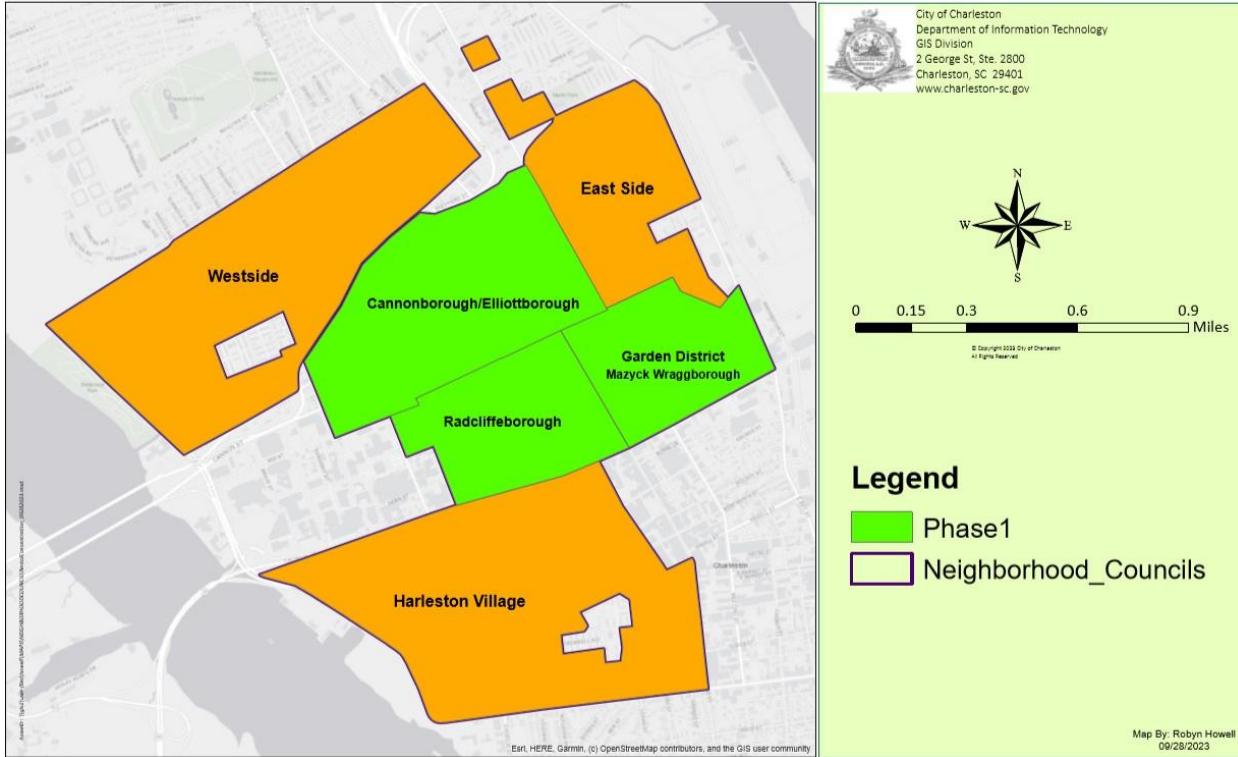
The provisions of this division are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this division. It is hereby declared that the intent of the council is that this division would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

**Sec. 7-134. - Existing rights unaffected.**

Nothing contained in this division is intended to affect the rights and responsibilities of property owners or tenants under the law of the United States of America or the State of South Carolina as outlined by the South Carolina Landlord Tenant Act, the Americans with Disabilities Act, the Violence Against Women Act, the Fair Housing Act or any other provision of federal or state law regulating housing.

## EXHIBIT A

### HIGHEST RENTAL CONCENTRATION ON CHARLESTON PENINSULA





# *City of Charleston*

Department of Livability and Tourism

## **Fee Schedule**

<b>Livability</b>	
<b>Residential Rental Registration Program</b>	
1 Residential Rental Unit	\$40.00
2+ Residential Rental Units with same TMS number, submitted on single application by applicant*	\$40.00 for unit; \$10 per additional unit not to exceed \$100 total per TMS number
1 Residential Rental Unit Renewal	\$40.00
2+ Residential Rental Unit Renewals with same TMS number, submitted on single application by applicant*	\$40.00 for unit; \$10 per additional unit not to exceed \$100 total per TMS number

\*Residential Rental Units with same TMS number but with different applicants and/or contact information must be submitted on separate application and are registered/renewed at \$40.00 each.