

CITY of ALBUQUERQUE

TWENTY-FIFTH COUNCIL

COUNCIL BILL NO. O-22-59 ENACTMENT NO. _____

SPONSORED BY: Tammy Fiebelkorn

1 **ORDINANCE**
 2 **ADOPTING A NEW ARTICLE IN CHAPTER 13 OF THE REVISED ORDINANCES**
 3 **OF ALBUQUERQUE 1994, “BUSINESS AND OCCUPATIONS,” TO BE KNOWN**
 4 **AS THE “RESIDENTIAL RENTAL PERMIT ORDINANCE,” ESTABLISHING A**
 5 **PERMITTING REQUIREMENT AND PERMITTING FEE.**
 6 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
 7 **ALBUQUERQUE:**

8 **SECTION 1. A new Article 17 in Chapter 13 of the Revised Ordinances of**
 9 **Albuquerque 1994 is hereby adopted as follows:**

10 “**§13-17-1 SHORT TITLE.**
 11 **This Article shall be known and cited as the “Residential Rental Permit**
 12 **Ordinance.”**

13 § 13-17-2 APPLICABILITY.
 14 **This Article applies to the operation of Residential Rental Properties as**
 15 **defined by in Section 13-21-4, Definitions.**

16 § 13-17-3 INTENT AND PURPOSE.
 17 **The intent of this Article is to create a permitting system for Residential**
 18 **Rental Properties located in the City of Albuquerque to gather essential data**
 19 **regarding the local rental market, improve communications between the City**
 20 **and property owners, and protect the health, safety, and general welfare of**
 21 **residential rental occupants, neighboring residents, and property owners.**

22 § 13-17-4 DEFINITIONS.
 23 **For the purpose of this Article, any terms which are not defined shall have**
 24 **their ordinary accepted meanings within the context in which they are used.**

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1 DWELLING UNIT. Unless specified otherwise in the Integrated Development
2 Ordinance, one or more connected rooms and a kitchen designed for and
3 occupied by no more than one family for living and sleeping purposes,
4 permanently installed on a permanent foundation and meeting the
5 requirements of Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative
6 Code and Technical Codes and Uniform Housing Code), as of the date of the
7 unit's construction.

8 PROPERTY OWNER. Any person, business entity, or trust who alone,
9 jointly or severally with others, has legal title to any premises, or dwelling
10 units, with or without accompanying actual possession thereof.

11 PROPERTY MANAGER. A person who acts as a landlord, or a property
12 management company that is engaged in managing rental property for others.
13 A property manager is an agent of the owner(s) of the property for the purpose
14 of performing the obligations of the owner(s) under the Uniform Owner-
15 Resident Relations Act and/or under the rental or lease agreement.

16 RENT. Receiving or offering money, services, or other remunerations in
17 exchange for occupation of a residential rental property.

18 RENTAL AGREEMENT. Any written or oral agreement allowing occupancy
19 of all or a portion of a residential building by a resident in exchange for rent or
20 other valuable consideration.

21 RESIDENTIAL RENTAL PROPERTY. A dwelling unit or part of a dwelling
22 unit used as a home, residence, or sleeping unit by a single person or
23 household; or any grounds or other facilities or area promised for the use of a
24 residential tenant and includes, but without limitation, apartment units, mobile
25 home spaces, and single and two-family dwellings. This definition shall not
26 apply to short-term/vacation rentals of 29 days or less, hotels/motels,
27 campgrounds, and bed & breakfasts.

28 RESIDENT or TENANT. One or more people entitled to occupy all or a
29 portion of a residential building to the exclusion of others and who actually
30 reside(s) at such location.

31 RESIDENTIAL BUILDING. A building or portion thereof designed or being
32 used for human habitation.

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§ 13-17-5 Permit.

A. Permit Required. No person shall operate any residential rental property without a Residential Rental Property Permit (RRPP) from the City of Albuquerque. An RRPP may cover multiple units, but data shall be required for each individual dwelling unit. In addition to any other necessary information, the City shall require submission of the following for each residential rental property:

1. Dwelling Unit Information, to include:

- a. Physical address of the property;
- b. Date the unit was built;
- c. The number of units with details about the number of bedrooms, the square footage, and the maximum occupancy of the units;
- d. A statement of compliance with the housing code;
- e. Whether the dwelling unit is owner occupied;
- f. The number of units that are ADA accessible; and
- g. Any other information as determined by the City.

2. Tenancy Information, if the property has a current tenant, to include:

- a. Whether the unit is vacant or occupied by a tenant(s);
- b. Term of the current lease(s);
- b. Rental rate(s);
- c. Security deposit amount(s);
- d. A list of any additional fees charged; and
- e. A list of utilities, if any, that are included in the monthly rental rate.

3. Owner and Management Information, to include:

- a. The name, phone number, email address, and mailing address of the property owner;
- b. The name, phone number, email address, and business address of the property manager/agent/operator(s) who will be available to issues or complaints regarding the operation or occupancy of the dwelling unit;

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1 B. The RRPP number issued by the City must be included on all
2 marketing materials and rental agreements for each respective dwelling unit;

3 C. Any change to the information required by this Section must be
4 updated with the City within thirty (30) days of the change to the information
5 required by Section 13-17-5(A) including but not limited to: entering into a new
6 lease or lease renewal, when a unit becomes vacant, and updating tenancy
7 information if the property is vacant at the time the RRPP is issued.

8 § 13-17-6 PERMITTING FEES.

9 A. Permitting Fee. Residential rental property owners are subject to the
10 following fees, based upon the number of rental dwelling units owned by the
11 property owner:

- 12 1. Initial owner permit fee:
 - 13 a. Single dwelling unit ...\$70
 - 14 b. 2-10 dwelling units ...\$140
 - 15 c. 11-50 dwelling units ... \$350
 - 16 d. 51-250 dwelling units ...\$490
 - 17 e. More than 250 dwelling units ...\$700
- 18 2. Annual renewal fee for the years following initial owner permitting:
 - 19 a. Single dwelling unit ... \$50
 - 20 b. 2-10 dwelling units ... \$100
 - 21 c. 11-50 dwelling units ... \$250
 - 22 d. 51-250 dwelling units ... \$350
 - 23 e. More than 250 dwelling units... \$500

24 B. Waiver of Permit Fee. Permit fees shall be waived for the following
25 residential rental properties:

- 26 1. Owned in whole or in part by or leased and operated by a local,
27 state, or federal governmental agency;
- 28 2. Owned or leased and operated by any organization that has been
29 exempted from federal income tax as a nonprofit organization in good
30 standing under Section 501(c)(3) of the United States Internal Revenue Code
31 of 1986, as amended, and has been designated as income-restricted housing;
32 and

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1 3. Affordable housing projects that are constructed with the support
2 of any combination of federal, state, or local financial resources, including
3 private activity bonds, tax credits, grants, loans, or other subsidies to
4 incentivize the development of affordable housing, or properties where the
5 tenants are recipients of low-income housing assistance and that are
6 restricted by law, contract, deed, covenant, or any other legally enforceable
7 instrument to provide housing units only to income-qualified households
8 where 80% of the total units are income restricted.

9 § 13-17-7 ENFORCEMENT AND PENALTIES. The City shall investigate any
10 complaints or notifications about unpermitted residential rental properties.
11 Upon verification that the unit is unpermitted the City shall issue a letter of
12 compliance to the unit owner. If three letters of compliance are issued to the
13 owner and the owner does not remedy the violation, the owner shall be
14 assessed a fine of \$100 a week until the unit is brought into compliance. If the
15 unit is not brought into compliance after 6 months from the date of the last
16 letter of compliance, the unit will not be eligible for a permit for two years, and
17 it shall be unlawful for the owner to operate the unit as a rental property.]”

18 SECTION 2. INITIAL COMPLIANCE Each owner of a residential rental
19 property is required to come into compliance with respect to this Ordinance
20 within six months of the Effective Date prescribed by SECTION 5, below.

21 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
22 clause, word, or phrase of this Ordinance is for any reason held to be invalid
23 or unenforceable by any court of competent jurisdiction, such decision shall
24 not affect the validity of the remaining provisions of this Ordinance. The
25 Council hereby declares that it would have passed this Ordinance and each
26 section, paragraph, sentence, clause, word or phrase thereof irrespective of
27 any provision being declared unconstitutional or otherwise invalid.

28 SECTION 4. COMPILATION. SECTION 1 of this Ordinance shall amend, be
29 incorporated in, and made part of the Revised Ordinances of Albuquerque,
30 New Mexico, 1994.

31 SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect nine
32 months after publication by title and general summary.