



Legislation Details (With Text)

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Title: C/S Adopting A New Article In Chapter 13 Of The Revised Ordinances Of Albuquerque 1994, "Business And Occupations," To Be Known As The "Residential Rental Database Ordinance," Establishing An Enrollment Requirement (Fiebelkorn)

Sponsors: Tammy Fiebelkorn

Indexes:

Code sections:

Attachments: 1. O-59, 2. O-59 Approved FGO CS-Fiebelkorn

Date	Ver.	Action By	Action	Result
5/1/2023	2	City Council	Passed	Fail
4/17/2023	2	City Council	Accepted Without Recommendation, as Amended	
4/10/2023	1	Finance & Government Operations Committee	Substituted	Pass
4/10/2023	1	Finance & Government Operations Committee	Sent to Council with a recommendation of Do Pass, as Substituted	Fail
4/10/2023	1	Finance & Government Operations Committee	Motion	Pass
4/10/2023	1	Finance & Government Operations Committee	Sent to Council Without Recommendation, as substituted	Pass
2/13/2023	1	Finance & Government Operations Committee	Postponed	Pass
1/23/2023	1	Finance & Government Operations Committee	Postponed	Pass
12/12/2022	1	Finance & Government Operations Committee	Postponed	Pass
11/21/2022	1	President	Referred	
11/21/2022	1	City Council	Introduced and Referred	

CITY of ALBUQUERQUE
TWENTY-FIFTH COUNCIL

COUNCIL BILL NO. C/S O-22-59 ENACTMENT NO. _____

SPONSORED BY: Tammy Fiebelkorn

ORDINANCE

C/S Adopting A New Article In Chapter 13 Of The Revised Ordinances Of Albuquerque 1994, "Business And Occupations," To Be Known As The "Residential Rental Database Ordinance," Establishing An Enrollment Requirement (Fiebelkorn)

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

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

"[§13-17-1 SHORT TITLE.

This Article shall be known and cited as the "Residential Rental Database Ordinance."

§ 13-17-2 APPLICABILITY.

This Article applies to the operation of Residential Rental Properties as defined by in Section 13-21-4, Definitions.

§ 13-17-3 INTENT AND PURPOSE.

The intent of this Article is to create a database system for Residential Rental Properties located in the City of Albuquerque to gather essential data regarding the local rental market, improve communications between the City and property owners, and protect the health, safety, and general welfare of residential rental occupants, neighboring residents, and property owners.

§ 13-17-4 DEFINITIONS.

For the purpose of this Article, any terms which are not defined shall have their ordinary accepted meanings within the context in which they are used.

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

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

PROPERTY MANAGER. A person who acts as a landlord, or a property management company that is engaged in managing rental property for others. A property manager is an agent

of the owner(s) of the property for the purpose of performing the obligations of the owner(s) under the Uniform Owner-Resident Relations Act and/or under the rental or lease agreement.

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

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

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

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

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

§ 13-17-5 DATABASE ENROLLMENT.

A. Database Enrollment Required. No person shall operate any residential rental property without enrolling in the Residential Rental Property Database (RRPD) from the City of Albuquerque. Enrollment shall be renewed on an annual basis. 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;
- d. Whether the property is owner occupied;
- e. The number of units that are ADA accessible; and
- f. Any other information as determined by the City.

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

- a. The number of months in the last calendar year that the property was vacant or occupied by a tenant(s);
- b. Initial start date of current tenant's lease(s);

- b. Rental rate(s);
- c. Security deposit amount(s);
- d. A list of any additional fees charged; and
- e. Whether utilities are included in the rent.

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) for the dwelling unit;

B. Upon completion of enrollment the City will issue an enrollment certification number. The enrollment certification number must be included on all marketing materials published by the property owner or manager or their authorized agents by the owner/manager and rental agreements for each respective dwelling unit;

C. Any change to the information required by this Section must be updated in the database annually.

§ 13-17-6 ENFORCEMENT AND PENALTIES. The City shall investigate any complaints or notifications about unenrolled residential rental properties. Upon verification that the unit is unenrolled the City shall issue a letter of compliance to the unit owner. If three letters of compliance are issued to the owner and the owner does not remedy the violation, the owner shall be assessed a fine of \$100 a month until the unit is brought into compliance.]”

SECTION 2. INITIAL COMPLIANCE Each owner of a residential rental property is required to come into compliance with respect to this Ordinance within six months of the Effective Date prescribed by SECTION 6, below.

SECTION 3. MAKING AN APPROPRIATION. That the following amount is hereby appropriated to the following department and program in the General Fund from available fund balance for Fiscal Year 23, for administration of the Residential Rental Property Database called for in Section 1 of this Resolution:

GENERAL FUND -110

Family and Community Services

Strategic Support

150,000

SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word, or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of

competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 5. COMPILATION. SECTION 1 of this Ordinance shall amend, be incorporated in, and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect twelve months after publication by title and general summary.