



Understanding Ordinance 915

Part 4: How to avoid rental license sanctions

Code Enforcement & Neighborhood Conservation

Types of License Sanctions

Section ES-1008 of the Housing Code addresses license sanctions. There are four types of sanctions that can be imposed upon a Rental Unit License:

- A) Terms and Conditions
- B) Suspension for no more than 180 days beginning no sooner than 30 days from the date of the hearing and no later than at the end of the current lease period.
- C) Summary Suspension for no more than 180 days beginning immediately upon the effective date of the ruling.
- D) Revocation

Triggering Events for Terms and Conditions

1. Five (5) or more separate occasions within a period of twelve months from August 15 to August 14 the following year or, for class VI licenses, within any 12-month period, have violated and been issued court appearance tickets, complaints, or citations for any state law or local ordinance on the licensed premises unless the owner or person acting on behalf of the owner was the party reporting the violation or, unless the owner or owner's legal agent has evicted the tenants.

OR

2. The owner, occupants, and/or their guests on two or more separate occasions within a period of 12 months from August 15 to August 14 the following year, or for class VI licenses, within any 12-month period, have violated and been issued court appearance tickets, criminal or civil complaints, or citation for any of the following statutes or ordinances on the licensed premises, unless the owner or person acting on behalf of the owner was the party reporting the violation or unless the owner or owner's legal agent has commenced eviction proceedings against the tenants:

- (a) Nuisance party violation (b) Party bill violation (c) Noise violation-misdemeanor (d) Unlawful discharge of a firearm (e) Public disturbance, fight, or brawl (f) Operation of establishment for prostitution, illegal sale of intoxicating liquor or controlled substances, gambling, or other illegal business or occupation (g) Assault of a police officer or firefighter (h) Violation of the maximum occupancy, overcrowding, or illegal use of space (i) Failure to Correct Violations

OR

3. The owner, occupants, and/or their guests on three or more separate occasions, or on

two separate occasions in combination with any one or more of those offenses listed in subsection (2) within a period of 12 months from August 15 to August 14 the following year, or for class VI licenses, within any 12-month period, have violated and been issued court appearance tickets or citations for noise violations on the licensed premises contrary to City Code section 26-85(a), unless the owner or person acting on behalf of the owner was the party reporting the violation or unless the owner or owner's legal agent has commenced eviction proceedings or otherwise removed the tenants.

They Need to Work Together

The Chief Code Official and owner or owner's legal agent can stipulate to the imposition of Terms and Conditions to correct the specific problems. This would be an opportunity for the property owner to utilize City staff resources to look for a way to resolve the problems without automatically going before the Commission on Housing; however, the Commission will be aware of this and must approve the final conditions.

Another opportunity for a property owner to take satisfactory correction action is to request the assistance of a community police officer to conduct an informal conference with the tenants.

The Bottom Line on Sanctions

Please call with any questions or concerns you have. It is our intent to work with you whenever there are potential problems that could lead to license sanctions. We want to help you avoid finding yourself with license sanctions on a rental property.