Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #:	BL2023-1839	**Name:**	
Type:	Bill (Ordinance)	**Status:**	Passed
File created:	4/7/2023	**In control:**	Metropolitan Council
On agenda:	5/16/2023	**Final action:**	5/16/2023
Title:	An ordinance codifying a residential landlord's duty to register with the Metropolitan Department of Codes Administration pursuant to Tennessee Code Annotated Section 66-28-107, and authorizing the Department of Codes Administration to process and collect registration fees, impose and collect fines for noncompliance, and establish an administrative process for appeals of any such fines.		
Sponsors:	Kevin Rhoten, Ginny Welsch, Joy Styles, Emily Benedict		
Indexes:			
Code sections:			
Attachments:			

Date	Ver.	Action By	Action	Result
5/17/2023	1	Mayor	approved	
5/16/2023	1	Metropolitan Council	passed on third reading	
5/2/2023	1	Metropolitan Council	passed on second reading	
5/2/2023	1	Government Operations and Regulations Committee	approved	
5/1/2023	1	Budget and Finance Committee	approved	
4/18/2023	1	Metropolitan Council	passed on first reading	
4/11/2023	1	Metropolitan Council	filed	

An ordinance codifying a residential landlord's duty to register with the Metropolitan Department of Codes Administration pursuant to Tennessee Code Annotated Section 66-28-107, and authorizing the Department of Codes Administration to process and collect registration fees, impose and collect fines for noncompliance, and establish an administrative process for appeals of any such fines.

WHEREAS, Tennessee Code Annotated Section 66-28-107 provides that in counties with a metropolitan form of government and a population in excess of 500,000, each landlord of one or more dwelling units is required to register with the local department responsible for enforcing building codes; and

WHEREAS, the same statute requires that such agency may collect a registration fee not to exceed ten dollars ($10.00); and

WHEREAS, the statute also provides that failure to register or notify the department of a change in the ownership of a rental property shall subject a landlord to a fine of fifty dollars ($50.00) per week; and

WHEREAS, the statute also requires that the landlord be given an opportunity for a hearing and written notice of such hearing prior to the assessment of a fine; and

WHEREAS, the Metropolitan Government of Nashville and Davidson County wishes to more readily publicize and enforce this statute in order to better protect the health and safety of tenants and landlords alike.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF

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NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the Metropolitan Code of Laws shall be amended by adding a new section 16.33.170 and the following:

16.33.170. Required registration.

a. It shall be the duty of all landlords of one or more dwelling units to register with the department of codes administration on forms provided by the director of codes administration, through the permit application portal, or through whichever means are provided to the public for such purpose. Information required upon registration shall include the following: the landlord or landlord's agent's name, telephone number, and physical address, which physical address may not be a post office box, as well as the street address and unit number, as appropriate, for each dwelling unit that the landlord owns, leases, or subleases, or has the right to own, lease, or sublease. A fee of $10.00 may be collected upon registration and charged annually upon renewal of registration to cover the administration of this section.

b. If information required under subdivision (a) changes, landlords or their agents are required to update the information with the department of codes administration within thirty days of a change. Whenever there is a sale or change in ownership of a dwelling unit, the original landlord or the landlord's agent is required to update ownership information within thirty days of a change in ownership.

c. If a landlord fails to register or fails to notify the department of codes administration of a change of ownership within thirty days of the change, a fine of fifty dollars ($50.00) per week may be assessed until the landlord comes into compliance with this section.

d. Prior to the assessment of any fine under subsection (c), the department of codes administration shall give the landlord the opportunity to appear at a hearing concerning the landlord's failure to register or timely send notification of a change of ownership. The department of codes administration shall send by certified mail written notice containing the date, time, and place of the scheduled hearing to the landlord at least fifteen (15) days prior to the hearing date.

Section 2. That amendments to this legislation shall be approved by resolution.

Section 3. That this Ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This resolution codifies a residential landlord's duty to register with the Metropolitan Government pursuant to state law.

Tennessee Code Annotated Section 66-28-107 provides that in counties with a metropolitan form of government and a population in excess of 500,000, each landlord of one or more dwelling units is required to register with the local department responsible for enforcing building codes - which is the Metropolitan Department of Codes Administration ("Codes") for the Metropolitan Government. The statute further authorizes the Department of Codes to collect a registration fee of $10. Pursuant to the state law, landlords who fail to register are subject to a fine of $50 per week.

Codes has been enforcing these provisions pursuant to state law. This ordinance simply mirrors the state law requirements in the Metropolitan Code of Laws to publicize and better enforce these provisions.

Fiscal Note: Metro receives a $10 fee upon registration and annually from landlords for each dwelling unit

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owned, leased, or subleased to cover administration cost. The landlord is charged $50 fine per week until compliance for failure to update the information with the Codes Department within 30 days of a change.