

1 **Sec. 8-573. Scope.**

2 The provisions of this article shall apply to all rental housing units located within the City,
3 including houses, apartments, manufactured homes and mobile homes, except those units that are
4 owned and managed by the Little Rock Housing Authority or other public housing owned by the
5 State of Arkansas or the United States Government.

6 **Section 3.** Section 8-574 of the Little Rock Code of Ordinances is hereby deleted and replaced with
7 language as follows:

8 **Sec. 8-574. Definitions.**

9 For the purposes of this article, certain words, phrases, terms and their derivatives shall be
10 construed as specified herein. Words, phrases and terms used in this article but not specifically
11 defined herein, shall have the meaning stated in the Housing Code of the City of Little Rock if
12 referring to rental housing units that are apartments or houses or Article IV, Chapter 20 of the
13 City Code of Ordinances concerning substandard maintenance of manufactured homes and
14 mobile homes if referring to a rental housing unit that is a manufactured home or mobile home.
15 Where not defined in such code or this article, such words, phrases and terms shall have the
16 meaning generally prescribed by dictionary definition.

17 *Certificate of compliance.* A certificate of compliance is a document issued by the department of
18 housing and neighborhood programs that certifies:

- 19 (a) A particular house or apartment has been inspected and found to be in compliance with the
20 premises code and housing code, including the residential rental inspection program, or a
21 particular manufactured home or mobile home has been inspected and found to be in
22 compliance with the premises code and the rental inspection program code provisions, and
23 not in violation of Article IV, Chapter 20; and
24 (b) The owner or an agent of owner is available to receive and to respond to notices and civil and
25 criminal process of the City regarding code enforcement; and
26 (c) The owner or agent of owner has a current business license from the City to rent residential
27 housing units.

28 *Code compliance.* The standards enumerated in the Housing Code, Chapter 8, Article V of the
29 Little Rock Ark. Rev. Code (1988) are the minimum housing code requirements of the city for apartments
30 and houses. The provisions of article IV, Chapter 20 of the Little Rock, Ark. Rev. Code (1988) provide
31 the maintenance requirements of the City for manufactured homes and mobile homes. For purposes of
32 this article, reference to the term “code compliance” when referring to apartments and houses shall mean
33 compliance with all provisions of the housing code as detailed in the technical standards in the
34 administrative guidelines of the rental inspection program. For purposes of this article, reference to the

1 term “code compliance” when referring to a manufactured home or mobile home shall mean that the
2 manufactured home or mobile home is not in violation of the provisions in Article IV, Chapter 20 of the
3 Little Rock, Ark. Rev. Code (1988).

4 *Life safety violation*, in the context of an apartment or house, means a housing code violation that
5 is deemed by the building official to constitute an unsafe condition presenting an immediate danger to
6 human health, safety or welfare.

7 *Life safety violation*, in the context of a manufactured home or mobile home, means a violation of
8 Article IV, Chapter 20 of the Little Rock, Ark. Rev. Code (1988) that is deemed by the code enforcement
9 officer to constitute an unsafe condition that presents an immediate danger to human health, safety or
10 welfare.

11 *Life threatening violation* means a life safety violation that is deemed by a Fire Marshal or the
12 Neighborhood Programs Manager or his or her designee to pose an imminent danger of death or serious
13 injury or serious disease.

14 *Rental housing unit*. A rental housing unit is defined the same way as a dwelling unit in this
15 section. Such term includes, but is not limited to, a manufactured home used as a rental and a mobile
16 home used as a rental. The only difference between a dwelling unit and a rental housing unit is that a
17 rental housing unit is intended to be leased or rented to the occupant.

18 A unit shall not be deemed a rental housing unit for purposes of this chapter if the owner of
19 record shall provide to the City satisfactory evidence that another person in possession and control of the
20 property has a contractual right to purchase the unit on a date certain for a specified price and is entitled to
21 receive, when the purchase price is paid, a warranty deed if the unit is real property, or a bill of sale if the
22 unit is a manufactured home or mobile home. Satisfactory evidence for a manufactured or mobile home
23 shall be a purchase plan with a promissory note or a UCC filing showing an Article 9 security interest.
24 Satisfactory evidence for real property shall include a valid and enforceable written contract, filed in the
25 deed records of the Pulaski County Circuit Clerk, which should contain the following provisions:

- 26 (1) A term for payment or escrow of taxes and assessments levied against the real property;
- 27 (2) A term for payment of property insurance covering loss or damage to the improvements on
28 the property;
- 29 (3) A term stating that the buyer is responsible for any and all repairs and maintenance necessary
30 to maintain the structure and premises in compliance with this code;
- 31 (4) In a lease with option to purchase arrangement, the buyer or optionee pays the sell or optionor
32 up-front a reasonable option consideration at the beginning of the contract which is applied
33 toward the purchase price in the event the option is exercised, and that a portion of the rent
34 aid during the term of the lease is applied toward the purchase price if the option is exercised.

1 **Section 4.** In section 8-577, the word “insure” is replaced with the word “ensure”.

2 **Section 5.** Section 8-579(d)(3) of the Little Rock Code of Ordinances is hereby deleted and replaced
3 with language as follows:

4 **Sec. 8-579(d)(3)**

5 If the City requires the closing of any rental housing unit, the Building Official shall post on the
6 structure written notice of its hazardous condition and shall immediately send notice, by first-
7 class mail and by a form of delivery for which there is a receipt to show proof of delivery, to the
8 tenant and to the owner or agent of the owner that describes the action taken by the City, the date
9 and the reason for such action.

10 **Section 6.** Section 8-579(d)(4)c of the Little Rock Code of Ordinances is hereby deleted and replaced
11 with language as follows:

12 **Sec. 8-579(d)(4)c**

13 Thirty (30) days, or such lesser time allowed, pursuant to the special provisions of Subsection 8-
14 583(e) to correct all nonlife safety, nonlife threatening violations; provided that in appropriate
15 circumstances as set forth in this section, the building official may extend the time to sixty (60)
16 days pursuant to Subsection 8-583(e).

17 **Section 7.** Section 8-583(a) of the Little Rock Code of Ordinances is hereby deleted and replaced
18 with language as follows:

19 **Sec. 8-583(a)**

20 It shall be the responsibility of the owner, tenant or agent in charge of the unit to provide access
21 to the Building Official into all areas subject to inspection under this article pursuant to Section 8-
22 355, Section 8-357 and Section 20-75. The Building Official may obtain an administrative search
23 warrant in order to gain access to the rental housing unit. The legislative finding that rental
24 housing units should be inspected to ensure compliance with the applicable housing code or
25 manufactured home and mobile home maintenance code for the health, safety and welfare of the
26 occupants shall be deemed to be probable cause for the issuance of the warrant.

27 **Section 8.** Section 8-583(c) (2) of the Little Rock Code of Ordinances is hereby deleted and replaced
28 with language as follows:

29 **Sec. 8-583(c) (2)**

30 Include a description of the property sufficient for identification.

31 **Section 9.** The word “municipal” in Section 8-583(h) of the Little Rock Code of Ordinances is hereby
32 deleted and replaced with the word “District”.

33 **Section 10.** The term “Code Enforcement Officer” in the first paragraph of Section 8-583(i) is hereby
34 deleted and replaced with the term “Building Official”.

1 **Section 11.** Section 8-587 of the Little Rock Code of Ordinances is hereby deleted and replaced with
2 language as follows:

3 **Sec. 8-587. Tenant responsibility.**

4 (a) It is a violation of this article for any person having care, custody, or control of a rental
5 housing unit to damage, destroy or tamper with the unit, thereby causing noncompliance with
6 the housing code or Article IV, Chapter 20, as applicable.

7 (b) Before the City can issue a citation under this section, the owner shall provide the Building
8 Official with written documentation signed and dated by the tenant indicating that the
9 condition causing noncompliance did not exist when the tenant took possession of the
10 property. This document shall be in a form approved by the Building Official. Furthermore,
11 the Building Official shall determine that the tenant in possession of the property damaged,
12 destroyed or tampered with the unit, thereby causing noncompliance with the housing code or
13 a violation of Article IV, Chapter 20.

14 **Section 12. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or
15 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or
16 adjudication shall not affect the remaining portions of the ordinance, which shall remain in full force and
17 effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the
18 ordinance.

19 **Section 13. Repealer.** All ordinances or resolutions of the City in conflict herewith are hereby
20 repealed to the extent of such conflict.

21 **Section 14. Emergency.** The Board of Directors hereby finds and declares that it is necessary to
22 implement these changes to the rental inspection program to protect the health, safety and welfare of the
23 inhabitants of all leased residences, including those residences that are manufactured homes or mobile
24 homes. Therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and
25 effect from and after its passage and approval.

26 **PASSED: June 3, 2014**

27 **ATTEST:**

APPROVED:

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29 _____
30 **Susan Langley, City Clerk**

_____ **Mark Stodola, Mayor**

31 **APPROVED AS TO LEGAL FORM:**

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34 **Thomas M. Carpenter, City Attorney**

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