

**AGENDA REQUEST FORM**

**FOR: Council Meeting of October 6, 2020**

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**FROM: Council Member Teresa Turk and Kyle Smith**

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**ORDINANCE OR RESOLUTION TITLE AND SUBJECT:**

A RESOLUTION TO ENCOURAGE ALL LANDLORDS IN FAYETTEVILLE TO MAKE REASONABLE ACCOMMODATIONS AND WORK WITH THEIR TENANTS ADVERSELY IMPACTED EITHER PHYSICALLY OR ECONOMICALLY BY THE COVID-19 VIRUS PANDEMIC IN ORDER TO AVOID EVICTIONS

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**APPROVED FOR AGENDA:**

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**Council Member Teresa Turk**

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Date

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**Council Member Kyle Smith**

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Date



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*Sept 21, 2020*

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**City Attorney Kit Williams**

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Date

Approved as to form

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**APPROVED FOR AGENDA:**

  
\_\_\_\_\_  
Council Member Teresa Turk

9/21/20  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Council Member Kyle Smith

9/21/2020  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
City Attorney Kit Williams  
Approved as to form

Sept 21, 2020  
\_\_\_\_\_  
Date

## Williams, Kit

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**From:** Kyle Smith <citycouncil@kyle4fay.org>  
**Sent:** Monday, September 21, 2020 5:30 PM  
**To:** Turk, Teresa  
**Cc:** Williams, Kit; Pennington, Blake  
**Subject:** Re: Resolution requesting landlords do not evict tenants  
**Attachments:** scan.pdf

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for that addition! Signature attached.

**Kyle Smith**  
Council Member  
Ward 4 Position 2  
City of Fayetteville, Arkansas  
[citycouncil@kyle4fay.org](mailto:citycouncil@kyle4fay.org)  
479.274.8881  
[Facebook](#) | [Twitter](#) | [Website](#)

On Mon, Sep 21, 2020 at 5:04 PM Turk, Teresa <[ward4\\_pos1@fayetteville-ar.gov](mailto:ward4_pos1@fayetteville-ar.gov)> wrote:  
Looks great Kit! Thank you so much!

Teresa

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**From:** Williams, Kit <[kwilliams@fayetteville-ar.gov](mailto:kwilliams@fayetteville-ar.gov)>  
**Sent:** Monday, September 21, 2020 4:58 PM  
**To:** Turk, Teresa <[ward4\\_pos1@fayetteville-ar.gov](mailto:ward4_pos1@fayetteville-ar.gov)>; 'Kyle Smith' <[citycouncil@kyle4fay.org](mailto:citycouncil@kyle4fay.org)>  
**Cc:** Pennington, Blake <[bpennington@fayetteville-ar.gov](mailto:bpennington@fayetteville-ar.gov)>  
**Subject:** RE: Resolution requesting landlords do not evict tenants

It is your Resolution. Please see it amended per your request.

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**From:** Turk, Teresa  
**Sent:** Monday, September 21, 2020 4:46 PM  
**To:** Williams, Kit <[kwilliams@fayetteville-ar.gov](mailto:kwilliams@fayetteville-ar.gov)>; 'Kyle Smith' <[citycouncil@kyle4fay.org](mailto:citycouncil@kyle4fay.org)>  
**Cc:** Pennington, Blake <[bpennington@fayetteville-ar.gov](mailto:bpennington@fayetteville-ar.gov)>  
**Subject:** Re: Resolution requesting landlords do not evict tenants

Hi Kit,

Thanks for your explanation but it is a resolution without any legally binding language. It is just expressing our hope that landlords will be accommodating. Could we not insert the language about late fees? Is there a legal down side to this? Are we in any legal jeopardy? I would just like to make this resolution as clear as possible to the public with using the term late fees so that we are not being overly ambiguous.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION TO ENCOURAGE ALL LANDLORDS IN FAYETTEVILLE TO MAKE REASONABLE ACCOMODATIONS AND WORK WITH THEIR TENANTS ADVERSELY IMPACTED EITHER PHYSICALLY OR ECONOMICALLY BY THE COVID-19 VIRUS PANDEMIC IN ORDER TO AVOID EVICTIONS**

**WHEREAS**, the Covid-19 virus pandemic disaster emergency proclaimed by Governor Hutchinson and Mayor Jordan in the Spring has not only infected many Fayetteville residents, but also caused substantial unemployment and lost income; and

**WHEREAS**, Federal government assistance for unemployed persons has been substantially reduced since July so that many more tenants may have now become unable to fully pay all their rent on time; and

**WHEREAS**, landlords and tenants need each other to remain financially viable in order to sustain an economically healthy rental system; and

**WHEREAS**, the citizens and City of Fayetteville will benefit if our landlords and tenants make reasonable accommodations and work together to overcome the financial problems caused by the Covid-19 pandemic with tenants continuing to pay as much as possible in rent and landlords sometimes accepting less than the full and timely rent payment and refraining from charging late fees or beginning evictions as long as possible; and

**WHEREAS**, the City is only asking landlords to do what the City has already done by refraining from requiring security deposits, not charging late fees, and refraining from cutting off water, wastewater, recycling and trash service from residential customers so adversely affected by the Covid-19 pandemic that they could not fully pay their utility bill on time.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby encourages all landlords and apartment managers to make reasonable accommodations and work with their tenants to reduce or eliminate late fees, and allow their tenants sufficient time to catch up late or less than the full amount of rent payments due and avoid evictions while the tenants work in good faith to pay all rent due and begin to catch-up overdue rent.

**PASSED and APPROVED** this 6<sup>TH</sup> day of October, 2020.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**KARA PAXTON**, City Clerk/Treasurer



OFFICE OF THE  
CITY ATTORNEY

## DEPARTMENTAL CORRESPONDENCE



Kit Williams  
City Attorney

Blake Pennington  
Assistant City Attorney

Jodi Batker  
Paralegal

TO: **Mayor Jordan**  
**City Council**

CC: **Susan Norton**, Chief of Staff  
**Paul Becker**, Finance Director

FROM: **Kit Williams**, City Attorney

A handwritten signature in blue ink, appearing to read "Kit Williams", with a long horizontal flourish extending to the right.

DATE: **September 22, 2020**

RE: **Landlords encouraged to accommodate tenants**

During the last City Council meeting, Council Members Teresa Turk and Kyle Smith requested that I draft a Resolution for the October 6<sup>th</sup> meeting to request landlords to be accommodating and work with tenants to avoid late fees and evictions for tenants who cannot pay the full amount of rent on time because of economic hardships and lack of monetary resources caused by this Covid-19 virus pandemic. Although the City Council may not legally prohibit landlords from evicting or collecting rental late fees, the City Council may call upon our city's landlords to work with and accommodate tenants who cannot pay their full rent on time because of the Covid-19 virus pandemic.

It is in everyone's best interests to keep tenants in rental properties paying as much rent as feasible rather than becoming homeless or stuck in a crowded shelter. Our healthy rental market depends upon thousands of financially capable tenants paying rent and living in the Fayetteville's apartments, duplexes and houses. Losing hundreds or thousands of residential tenants who have been stripped of financial resources and jobs by this pandemic would be very damaging to landlords. Adding late fees to the rent due for a tenant who cannot even pay the full amount of rent when due because of economic hardship from this Covid-19 virus pandemic

would be counterproductive for a landlord. A tenant's bill with mounting late fees could look and become insurmountable for a tenant that had formerly been able to regularly and properly pay rent before the Covid-19 virus caused such a great recession with millions of jobs lost. Losing such a tenant now might well result in a prolonged vacancy for a landlord as the vast majority of persons being evicted will not be able to afford to rent a new apartment and will instead have to move home to live with relatives, try to live in an overcrowded shelter, or find themselves homeless on the streets. That could be the definition of a "lose lose" situation for both tenants and landlords.

Instead, this proposed Resolution (attached) is being presented by Council Members Turk and Smith as an alternative path to stabilize the rental housing market, keep tenants in housing and keep landlords' rental properties occupied and producing revenue. It will be up every landlord and every tenant to make this effort successful. If a tenant is being temporarily accommodated by a landlord, that tenant needs to work hard to find a job so the tenant can afford to pay full rent on time again. Landlords need to be patient and realize we are still in a recession and in a pandemic, so good jobs may be hard to find. This resolution is pointing the best way forward for both landlords and residential tenants. However, they will have to exhibit mutual respect, determination, and patience to ensure each particular plan and situation can be successful.