

City of Fayetteville Staff Review Form

2021-0337

Legistar File ID

5/18/2021

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jonathan Curth

4/30/2021

DEVELOPMENT SERVICES (620)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Changes to Business Regulations §120.02: Submitted by CITY STAFF to amend the Landlord Representative Registry to require registration of properties utilized for short-term rental.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF MAY 18, 2021

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff

FROM: Jonathan Curth, Development Services Director
Mary McGetrick, Long-Range Planning/Special Projects Manager

DATE: April 30, 2021

SUBJECT: **Changes to Business Regulations §120.02:** Submitted by CITY STAFF to amend the Landlord Representative Registry to require registration of properties utilized for short-term rental.

RECOMMENDATION:

City Planning staff recommends approval of an ordinance to amend §120.02, Landlord Representative Registry, to remove the exemption for short-term rental property owners and require registration of representative contact information.

BACKGROUND:

At the April 20, 2021 City Council meeting, short-term rental regulations were adopted. During the meeting, several amendments were proposed and considered, including that the Landlord Representative Registry adopted in 2020 be amended to remove the exemption for short-term rentals and require those properties to register a representative. This was proposed with the intent of creating a readily accessible, publicly available means of contacting the owner or representative of a short-term rental. Staff recommended the Registry be amended by separate action given its location in a discrete ordinance section. Accordingly, an amendment to the short-term rental ordinance was not made to include the registration requirement, with the understanding that the amendment would be brought forth separately.

Request: At the Council's behest, staff recommends adoption of the attached ordinance amendment to §120.02, Landlord Representative Registry. The amendment removes the existing exemption for short-term rental properties and requires their registration in instances where the owner owns, manages, or otherwise controls more than two residential properties that are rented or leased in Fayetteville.

Public Comment: Staff has received no public comment on this element of the City's short-term rental ordinance amendments. Similarly, no public comment was heard at the April 20, 2021 City Council meeting regarding an amendment to the Landlord Representative Registry.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Proposed Business Regulation Code Amendment to §120.02, Landlord Representative Registry, in strikethrough/highlight

Links:

- [April 20, 2021 City Council Meeting Video](#) (Minutes 1:53:30-1:57:15)

120.02 - Landlord's Representative Registry

- (A) Every person, partnership, corporation, L.L.C., or other entity which owns, operates, manages or otherwise controls more than two (2) residential properties that are rented or leased in Fayetteville, Arkansas shall designate a person residing or working in Washington, Benton, Crawford or Madison County, Arkansas to be the Landlord's Representative (which may be the landlord/owner who lives or works in one (1) of these counties) with the power and responsibility to respond to questions, issues and problems of or with the legal tenants of such residential rental property, and to be an additional agent for service of process for the landlord. The owners of ~~only~~ short term rentals shall ~~not~~ be required to designate and register their Landlord's Representative into the Registry ~~at this time~~.
- (B) The Landlord's Representative shall be identified by correct full name, mailing address, email address and telephone number. The landlord shall ensure, at a minimum, that the Landlord's Representative answers or promptly returns calls or emails made by their tenants or neighbors of their tenants between the hours of 7:30 a.m. until 6:00 p.m. When a Landlord's Representative leaves employment or otherwise no longer serves as the Landlord's Representative, the landlord must within seven (7) days replace the departed representative with another qualified and properly identified Landlord's Representative, notify all relevant tenants of such change including change in contact information, and enter the change into the city Landlord's Representative Registry.
- (C) The city shall supply a free Landlord's Representative Registry through the Planning Department and offer such registry online for easy access by tenants and the public.
- (D) This Landlord's Representative Registry shall be available for landlords to begin registering their representatives (which can be the landlord themselves if they live or work in Washington, Benton, Crawford, or Madison County) on December 1, 2020. Proper and accurate registration shall be required of all landlords renting or leasing more than two (2) residential properties in Fayetteville to tenants by April 30, 2021.
- (E) Any person or entity leasing or renting more than two (2) residential properties located in Fayetteville (as identified in (A)) who fails to properly and timely register a proper and qualified Landlord's Representative and any needed successor Landlord's Representative or fails to obey any requirement of this section shall be subject to the penalties permitted pursuant to §10.99 General Penalty of the Fayetteville Code.

([Ord. No. 6349](#) , §1, 8-18-2020)