

OGDEN CITY GOOD LANDLORD INCENTIVE PROGRAM

1745-1: PURPOSE:

Ogden City's good landlord incentive program is operated in conjunction with the city's landlord training program, established pursuant to title 12, chapter 16, of the Ogden municipal code, and the city's adoption of disproportionate impact fees as it affects rental dwellings. The goal of the program is to provide a financial incentive to landlords who implement the objectives of the landlord training program, keep their properties free of criminal activity, and also maintain their properties free of certain code violations. The program authorizes a discount towards disproportionate impact fees assessed against rental dwellings under the city's business licensing regulations. Disproportionate impact fees are assessed based on the disproportionate amount of police and fire services provided to rental dwellings, as an overall business licensing classification. The discount is provided to landlords who help the city in attempting to reduce such disproportionate services, by implementing the objectives of the landlord training program and attempting to reduce criminal activities occurring on rental properties. The program also attempts to encourage and reward those landlords who maintain their properties free of code violations. (Eff. 3-14-2007)

1745-2: POLICIES:

- A. It is the policy of the city that applications be made online in order to maximize program accessibility and to increase the city's efficiency and use of resources in operating the program. The city will provide resources at city offices to assist applicants without access to online resources, or who need special assistance in using such resources.
- B. The aspects of property management implemented in this program are hereby found to be related to the control and prevention of illegal activity on rental property. (Eff. 3-14-2007)

1745-3: RESPONSIBILITIES:

- A. Primary responsibility for coordinating the program shall be delegated to the management services director, with the day to day operations managed by the business license coordinator or any successor division manager responsible for business licensing.
- B. The IT division of the management services department shall provide the support services necessary to allow online program applications, and to assist in establishing the internal mechanisms for determining program compliance among the various departments of the city.

- C. The planning division and the community development division, or any successor division responsible for code enforcement, shall assist IT in identifying rental dwellings not in compliance with city codes.
- D. Police department shall be responsible for developing procedures for the identification of landlords or rental dwellings that may not be in compliance with those aspects of the program related to criminal activity on the premises or the failure to adequately screen tenants. (Eff. 3-14-2007)

1745-4: PROGRAM REQUIREMENTS:

The landlord incentive program requirements are of two (2) types. The first type of requirements are related to overall requirements that must be met by the landlord before any incentive may be provided. The second type of requirement is directly related to the rental dwellings themselves. Failure to meet the second type of requirement at one rental dwelling will not affect incentives earned related to other rental dwellings owned by the landlord.

A. Overall Landlord Requirements:

1. The landlord, or the landlord's bona fide agent for all aspects of property management, and all managers of the landlord responsible for the day to day management of the rental dwellings must complete either the city's landlord training program or a comparable program approved by the Ogden City police department within the two (2) year period immediately preceding the date of application or certification. (If the property is held in joint or common ownership only one of the owners need apply and qualify under the program.)

2. The landlord must require complete rental applications and background checks on all prospective adult tenants, in the manner suggested in the landlord training program. These minimum requirements are as follows:

a. The rental application shall require of each applicant:

(1) Full name, including middle initial.

(2) Date of birth.

(3) Driver's license number or state identification card number.

(4) Social security number.

(5) Names, dates of birth, and relationship to tenant of all people who will occupy the premises.

(6) Name, address and phone number of two (2) previous landlords.

(7) Income and employment history for the past two (2) years.

(8) Asks the applicant whether he or she has ever been convicted of an offense involving the sale or manufacturing of illegal drugs.

(9) The landlord requires a complete application as described above on all adults occupying the premises.

(10) The application provides that any false information provided on the application will be grounds for denial or eviction.

b. The following background checks are done on all adults occupying the premises:

(1) The landlord contacts previous landlords listed on the application, and enquires about any lease violations or damage to property.

(2) A criminal history check is received from a law enforcement agency or a reputable agency providing the service.

(3) Valid picture ID is presented to verify the identify of the applicant.

(4) A credit report is obtained from a valid provider.

3. The landlord does not knowingly rent to any person who has been convicted of any crime involving any threat or damage to property or person, nor for any crime which had it been committed on the landlord's premises would have disturbed the peaceful enjoyment of other tenants, this shall include the sale, manufacture or distribution of any controlled substance. (Program compliance is based on whether the conviction, or release from probation or parole, occurred within 4 years of the date of a rental application.)

4. The landlord provides in its leases or rental agreements that tenants may be evicted if they engage in illegal drug use, sale, manufacture, distribution, or other criminal activity on or near the rental premises, and commences and pursues eviction proceedings when the landlord is aware that a violation of such provision exists.

B. Rental Dwelling Requirements:

1. The rental dwellings are an allowed or otherwise legal use (permitted, conditional, nonconforming, or conforming legal) under the city's zoning ordinances.

2. The landlord obtains and keeps current all business licenses and licensing fees applicable to all of the landlord's rental dwellings.

3. The rental dwellings and the surrounding premises are owned and maintained in compliance with city ordinances affecting the use, care or maintenance of real property (zoning ordinances, property maintenance regulations, fit premise regulations, property maintenance code, housing codes, health codes, etc.), and the premises are kept free of any public nuisance as defined by city ordinance or state law. A landlord will be considered to be in compliance with this requirement if violations are corrected within any time frame required for compliance under any notice of violation.

4. The landlord has paid any outstanding civil penalties assessed against the landlord for failing to correct a notice of violation applicable to the landlord's rental dwelling. (Eff. 3-14-2007)

1745-5: LANDLORD APPLICATION:

The landlord application shall be completed by each landlord, or his or her authorized representative, and shall identify all rental dwellings owned by the landlord within the city. Provision of false information in the application will result in disqualification. This information is to be provided online on the city's website. If the landlord does not have online access, the landlord may use city computers provided on the city's one stop counter (for licensing and permits), located on the second floor of the municipal building, located at 2549 Washington Boulevard. Although inspection of each rental dwelling premises is not anticipated for city determination of compliance, the landlord must agree to provide reasonable access to its rental records and to the rental premises, if necessary for the city to make a determination of program compliance. (Eff. 3-14-2007)

1745-6: DISQUALIFICATION:

A. Determination: Disqualifications concerning code violations shall be determined by accessing the records of the city's various code enforcement officers or through available court records. It shall be presumed that a disqualification exists if a civil penalty has been imposed for failing to correct a violation within the time frame required under any notice of violation or notice and order.

B. Requirements Involving Criminal Activity And Tenant Screening:

1. Whenever OPD, acting through the community policing division, identifies a potential disqualification for a landlord's failure to comply with the program requirements described in subsections [1745-4A2](#) through A4 of this policy, the potential disqualification shall be submitted to the management services director for a final determination.

2. In reviewing the potential disqualification, the management services director may:

a. Request additional information from or follow up by the community policing division;

- b. Obtain the advice and/or recommendation of the city attorney's office; and
- c. Consult with representatives of the Northern Utah Association of Landlords, or other similar association, regarding customary practices and constraints that may exist in program compliance.

C. Timing Of Disqualifications; Disallowance Of Discounts:

1. If a discount was granted for the licensing term of January 2, 2006 to January 31, 2007, program requirements shall be met during the twelve (12) month period immediately preceding certification in order to qualify for the discount for the licensing term of February 1, 2007 to January 31, 2008. Such disqualification shall be determined during the review of the application submitted for the 2007 licensing term.
2. If a discount was granted for any licensing term commencing on or after February 1, 2007, program requirements shall be met during the entirety of the licensing term.
3. After February 1, 2007, if it is determined that a landlord or a rental property is no longer qualified under the program, the business license coordinator shall notify the landlord and proceed to collect the amount of the disallowed discount pursuant to the provisions of section 5-1A-15 of the Ogden municipal code.
4. Any disqualifications involving the failure to maintain a rental dwelling in compliance with Ogden City codes (subsection [1745-4B](#) of this policy), will result only in the disallowance of the discount pertaining to the rental dwelling where the code violation(s) occurred.
5. Any disqualifications involving the failure to follow the overall landlord requirements described in subsection [1745-4A](#) of this policy, will result in the disallowance of the discount applicable to all rental dwellings owned and licensed by the landlord during the applicable licensing year.
6. After disqualification, the landlord or rental dwelling may only qualify for the program in the next licensing year only if the landlord has corrected the problems leading to the disqualification and paid all amounts disallowed in the prior year. (Eff. 3-14-2007)

1745-7: APPEALS:

- A. Any person denied admission to or disqualified under the program may appear before a hearing officer by filing a written application in the office of the city recorder for a hearing and present and contest such denial or disqualification before a hearing officer. Such application shall be filed within thirty (30) days of the denial or disqualification and shall include the required twenty five dollar (\$25.00) filing fee.

- B. Unless the city has contracted with a hearing officer for the hearing of such appeals, the manager of the division, or if no manager the director, responsible for business licensing is hereby designated as the officer responsible for hearing such appeal.
- C. The hearing shall be conducted as provided in title 4, chapter 4, article A, "Administrative Hearings", of the Ogden municipal code.
- D. The burden of proving qualifications or compliance shall be on the appellant. (Eff. 3-14-2007)

1745-8: RETROACTION APPLICATION OF DISCOUNT:

If approved by a hearing officer, the discount provided under the landlord incentive program may be applied retroactively under the following conditions:

- A. The landlord obtained a rental dwelling license immediately after acquiring a new rental property and was not an owner of a rental dwelling during the same or immediately preceding licensing year;
- B. The landlord qualifies for the landlord incentive program either within six (6) months of obtaining such license or before the end of the licensing year, whichever occurs first; and
- C. The landlord applies for the retroactive application of the discount and a refund of the excess payments within six (6) months of obtaining the license or before the end of the licensing year, whichever occurs first. (Eff. 3-14-2007)

1745-9: RENTAL DWELLINGS BROUGHT INTO COMPLIANCE:

If a rental dwelling has been disqualified because of an owner's failure to correct a code violation, a hearing officer may extend the discount to an otherwise qualifying landlord if the hearing officer finds that:

- A. All outstanding code violations have now been corrected; and
- B. Either:
 - 1. Good cause existed for the failure to correct the violations in a timely manner; or
 - 2. It has been determined that the current landlord could not reasonably be held responsible for the failure to correct. (Eff. 3-14-2007)