



The City's Rental Registry ordinance contains chronic nuisance enforcement provisions that may be initiated if arrests occur or citations are issued at a property on three separate occasions within a 120 day period.

A list of specific offenses was added to the ordinance to give clear notice and to avoid confusion as to which offenses will support an enforcement action. (17-42 (c)(3)).

1. The ordinance was not applicable to single family owner occupied dwellings.
2. An amendment was added to clearly state that single family owner occupied dwellings will not be required to register or be subject to the chronic nuisance elements of the ordinance. (17-43)
3. The ordinance still requires that prior to imposing fines on a property owner under the chronic nuisance provisions in court, the City must refer the issue to the housing board's alternative dispute resolution process.(17-45(a)(2))
4. Only if a landlord fails to abide by the recommendations of the housing board will a property owner be subject to an enforcement action under the chronic nuisance provisions. (17-45(a)(3))
5. There are numerous methods by which a property owner may avoid liability under the chronic nuisance ordinance.

"17-45 (c) It is a defense for the owner, tenant and/or occupant of the property to an action seeking the declaration of the activity as a chronic nuisance that the owner, tenant and/or occupant of the property, at the time in question could not, in spite of the exercise of reasonable care and diligence, prevent a third party from engaging in the conduct constituting the subsequent occurrence of nuisance activity.

17-45 (d) The following shall also be defenses for an owner:

- (1) If prior to the owner being served process of the civil action, the owner or the owner's representative notified a law enforcement agency of suspected nuisance activity occurring on the property; or
- (2) The owner or property manager has begun legal proceedings to regain control of the property from a tenant or an occupant; or
- (3) That the nuisance activity was conducted by a person who has been banned from the property; or
- (4) An owner has made a good faith effort to implement the reasonable abatement plan requested by the housing board, pursuant to subsection 17-443 (b) but the nuisance activity has not been abated; or
- (5) An owner, in trying to abate the nuisance activity attempted legal action to regain control and possession of the property from a tenant or an occupant but was denied by a court; or
- (6) That the owner is the victim of nuisance activity that threatens his life or safety.

6. Tenants also have a number of affirmative defenses:

17-45(e) The following shall also be a defense for a tenant or occupant:

- (1) If prior to the tenant or an occupant being served process of the civil action, the tenant or occupant notified a law enforcement agency of suspected nuisance activity occurring on the property; or
- (2) That the nuisance activity was conducted by a person who has been banned from the property; or
- (3) The tenant and/or occupant of the property are/is a victim of nuisance activity that threatens their/his life or safety.

The intent of the ordinance is to create an active partnership between property owners and the City to diminish the negative impact some rental properties have on the City's neighborhoods.