

**ORDINANCE 21-30**

**TO AMEND TITLE 16 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "RESIDENTIAL RENTAL UNIT AND LODGING ESTABLISHMENT INSPECTION PROGRAM"**

WHEREAS, the City of Bloomington in in need of a resource to support identification and enforcement of over-occupancy in residential rental units; and

WHEREAS, creating and requiring completion of occupancy affidavits for residential rental units will provide necessary support to the City of Bloomington Housing and Neighborhood Development ("HAND") and Planning and Transportation Departments in enforcing occupancy limits in residential rental units; and

WHEREAS, the HAND Department should be responsible for maintaining an occupancy affidavit as part of its residential rental unit safety inspection program under Title 16 of the Bloomington Municipal Code ("BMC").

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA THAT:

SECTION I. Chapter 16.03 of the BMC shall be amended by creating a new Section at 16.03.025 setting forth conditions for submitting occupancy affidavits to HAND as follows:

16.03.025. OCCUPANCY AFFIDAVIT.

- (a) No owner of a residential rental unit containing up to four dwelling units per building shall let for occupancy or let any such dwelling unit without first completing and maintaining a fully executed occupancy affidavit for said dwelling unit on the form so provided by the HAND department.
- (b) For each dwelling unit, each occupancy affidavit shall include the name of each occupant. The owner or agent shall execute the occupancy affidavit based upon personal knowledge and only after reasonable inquiry with respect to the information contained therein. Each tenant shall also sign the occupancy affidavit and affirm that information contained therein is true and accurate.
- (c) For each dwelling unit, the owner or agent shall complete an updated occupancy affidavit and each tenant shall sign the same, as set forth above, within 15 calendar days from the date of any change in the occupancy in the dwelling unit. The owner of the residential rental unit shall retain completed occupancy affidavits until the date of any further change in the occupancy in the dwelling unit. The owner of a residential rental unit shall produce and permit inspection of an occupancy affidavit during any HAND inspection, or upon request by the City.
- (d) For residential rental properties containing more than four dwelling units, the requirement to complete and maintain a fully executed occupancy affidavit is waived unless a complaint is made about occupancy concerning the residential rental unit.
- (e) Any residential rental unit that is subject to this section but has received from the Board of Housing Quality Appeals a variance from having to obtain an occupancy permit under this Title must still fully comply with this section of this Title.

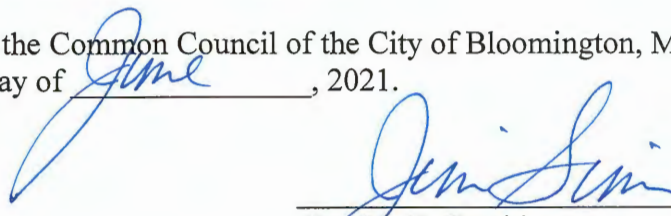
SECTION II. Section 16.10.030(b) of the BMC is amended to add the following penalty as the last row of the table:

Failure to timely maintain and/or knowing, intentional, reckless, or negligent completion of an incorrect occupancy affidavit	Flat fine not to exceed \$500.00.
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SECTION III. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION IV. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City and approval of the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16<sup>th</sup> day of June, 2021.

  
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JIM SIMS, President  
Bloomington Common Council


ATTEST:

  
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NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 25 day of June, 2021.

  
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NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 25 day of June, 2021.

  
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JOHN HAMILTON, Mayor  
City of Bloomington

## SYNOPSIS

This ordinance amends Title 16 “Residential Rental Unit and Lodging Establishment Inspection Program” by requiring annual submittal of an occupancy affidavit for certain types of residential rental units and providing for notices of violation to be deemed properly served if transmitted by email to the Owner email address registered with HAND on the form described in BMC Section 16.03.020.

*Note: At the June 2, 2021 Regular Session, the Council adopted the following amendments:*

- *Am 01 – which removed a Whereas clause; and*
- *Am 02 – which removed a provision that would have allowed for property owners to indicate “no change in occupants” on the affidavit under certain circumstances.*

*Also note: At the June 16, 2021 Regular Session, the Council adopted the following amendments:*

- *Am 03 – which made several changes to the ordinance as follows:*
  - *required property owners subject to the ordinance to complete and maintain occupancy affidavit forms after a reasonable inquiry as opposed to requiring submittal of each form to the HAND Department;*
  - *stated that property owners shall retain completed occupancy affidavit forms for a period of time and should be able to produce the forms upon request;*
  - *removed the requirement to identify the familial relationship among occupants in the affidavit form;*
  - *revised the proposed penalty to address a failure to timely maintain a required affidavit form;*
  - *deleted Section III of the ordinance to remove a provision related to email notification of notices of violation; and*
  - *revised Whereas clauses to better reflect the reason for the ordinance to reflect other changes proposed by the amendment.*
- *Am 04 – which removed the requirement on property owners to complete an occupancy affidavit at least once per year and instead required owners or agents to complete such affidavits only when there was a change in the occupancy of the dwelling unit.*

Distributed to: Clerk, Council Attorney, Legal, Mayor, HAND, Controller