

RICHLAND COUNTY

AMENDED

DEVELOPMENT & SERVICES COMMITTEE AGENDA



Tuesday, SEPTEMBER 22, 2020

5:00 PM

ZOOM MEETING

The Honorable , Chair

County Council District 5

The Honorable Gwen Kennedy

County Council District 7

The Honorable

County Council District

The Honorable

County Council District 1

RICHLAND COUNTY COUNCIL 2020



Bill Malinowski
District 1
2018-2022



Joyce Dickerson
District 2
2016-2020



Yvonne McBride
District 3
2016-2020



Paul Livingston
District 4
2018-2022



Allison Terracio
District 5
2018-2022



Joe Walker, III
District 6
2018-2022



Gwendolyn Kennedy
District 7
2016-2020



Jim Manning
District 8
2016-2020



Calvin "Chip" Jackson
District 9
2016-2020



Dalhi Myers
District 10
2016-2020



Chakisse Newton
District 11
2018-2022





Richland County Development & Services Committee

AMENDED

September 22, 2020 - 5:00 PM

Zoom Meeting

2020 Hampton Street, Columbia, SC 29201

1. **CALL TO ORDER** The Honorable Allison Terracio

2. **APPROVAL OF MINUTES** The Honorable Allison Terracio
 - a. Regular Session: July 28, 2020 [PAGES 7-11]

3. **ADOPTION OF AGENDA** The Honorable Allison Terracio

4. **ITEMS FOR ACTION** The Honorable Allison Terracio
 - a. I propose the change of the Animal Care Officer’s official title to that of “Animal Welfare Officer” within our county’s ordinances. “Animal Care Officer“ tends to be a bit confusing for those in the public who do not fully understand what they do, and “Animal Control Officer” tends to have a derogatory connotation. The field of animal welfare/care has dramatically changed within recent years. A title of “Animal Welfare Officer” offers a broader understanding of what their duties entail.
[MALINOWSKI, DICKERSON, JACKSON, MANNING and McBRIDE] [PAGES 12-19]

5. **ITEMS FOR DISCUSSION** The Honorable Allison Terracio
 - a. I move to evaluate affordable housing options to include the option of establishing an Affordable Housing Trust Fund for Richland County as a benefit to the public. Housing is considered to be “affordable” when 30% or less of one’s income is spent on housing and utilities. In Richland County, nearly half of renters pay more than a third of their income on rent and utilities [TERRACIO] [PAGES 20-23]

- b. I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate county ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance.
[NEWTON and DICKERSON] [PAGES 24-75]

6. ADJOURNMENT



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



Richland County Council

DEVELOPMENT AND SERVICES COMMITTEE

July 28, 2020 – 5:00 PM

Zoom Video Conference

COMMITTEE MEMBERS PRESENT: Allison Terracio, Chair; Jim Manning, Calvin Jackson and Chakisse Newton

OTHERS PRESENT: Bill Malinowski, Dalhi Myers, Michelle Onley, Clayton Voignier, John Thompson, Ashiya Myers, Leonardo Brown, Angela Weathersby, Stacey Hamm, Elizabeth McLean, Liz McDonald, Brian Crooks, Dale Welch, Tariq Hussain, Jennifer Wladischkin, Michael Niermeier, Sandra Haynes, Dwight Hanna, Katie Marr and Ashley Powell

1. **CALL TO ORDER** – Ms. Terracio called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
 - a. June 23, 2020 – Ms. Newton moved, seconded by Mr. Manning, to approve the minutes as distributed.

In Favor: Terracio, Manning, Jackson and Newton

Not Present: Kennedy

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Mr. Brown noted that Item 4(b): “CDBG-DR Rehabilitation Project Change Order” will need to be taken up in Executive Session.

Ms. Newton inquired why Item 6(a): “I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate county ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance. [NEWTON and DICKERSON]” was listed under “Items Pending Analysis”.

Ms. A. Myers responded this item did not move forward during the last meeting. There have been communications from the County Attorney’s Office, to members of the committee, regarding information they needed clarification on, based upon that the item is not ready for committee consideration.

Ms. Newton moved, seconded by Mr. Jackson, to adopt the agenda as amended.

In Favor: Terracio, Jackson and Newton

Opposed: Manning

Not Present: Kennedy

The vote was in favor.

4. **ITEMS FOR ACTION**

- a. I propose the change of the Animal Care Officer's official title to that of "Animal Welfare Officer" within our County's ordinances. "Animal Care Officer" tends to be a bit confusing for those in the public who do not fully understand what they do, and "Animal Control Officer" tends to have derogatory connotation. The field of animal welfare/care has dramatically changed within recent years. A title of "Animal Welfare Officer" offers a broader understanding of what their duties entail. [MALINOWSKI, DICKERSON, JACKSON, MANNING and McBRIDE] – Ms. Terracio stated staff's recommendation is to change the division name of "Animal Care" to "Animal Care and Control." Change the title of "Animal Care Supervisor" to "Animal Care and Control Supervisor." Change the title of "Animal Care Officer" to "Animal Care and Control Officer." The title changes will also be made within the County's ordinance.

Mr. Manning moved, seconded by Mr. Jackson, to forward to Council with a recommendation to approve staff's recommendation.

Mr. Malinowski stated the recommended action is exactly what his motion was trying to get rid away from. Staff has taken the two titles that he cited as being confusing and derogatory, and put them together to make "Animal Care and Control." The intent was to make it "Animal Welfare Officer" as was explained.

Mr. Manning withdrew his motion.

Ms. Newton stated the way she read the briefing document was that the proposed name change would make the name consistent with industry standards.

Mr. Brown stated in the Richland County environment, and in his previous environment, the department is referred to as Animal Control, and Animal Control Officer is the industry standard. As an example, one of the requirements for service animals is that the owner must maintain care and control, which is important because care communicates the importance of making sure the animal is taken care of, but control means there is a level of responsibility. What we found is that when individuals do not recognize Animal Control personnel as officers of the law the way the individual responds to them can be very dramatic. It is important to give the personnel the appropriate title that reflects they have a level of authority, and have a level of concern. In speaking to the Director, and utilizing his experience, "Animal Control" or "Animal Care" would be more appropriate.

Mr. Malinowski stated the Human Resource Director noted the most common job sector title for services provided by Animal Care is "Animal Services". Other commonly used names include: Animal Care, Animal Control, Animal Welfare and Public Animal Welfare Services. The titles he suggested in his motion are those that are also used, and the one most common is Animal Services. The fact that the field of animal welfare has dramatically changed, as they do more than pick up strays. They also conduct humane investigations into animal welfare; seek justice for abused, neglected and abandoned animals; go into court to face violators; and go into homes to remove animals whose owners are deceased. Therefore, he stands by his motion.

Mr. Jackson moved, seconded by Ms. Newton, to table this item in committee, return it to staff to have them look specifically at what Councilman Malinowski has suggested, and resubmit it at a later time.

In Favor: Terracio, Manning, Jackson and Newton

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Not Present: Kennedy

The vote in favor was unanimous.

- b. CDBG-DR Rehabilitation Project Change Order – Mr. Manning moved, seconded by Ms. Newton, to go into Executive Session.

In Favor: Terracio, Manning, Jackson and Newton

Not Present: Kennedy

The vote in favor was unanimous.

***The Committee went into Executive Session at approximately 5:20 PM
and came out at approximately 5:38 PM***

Ms. Newton moved, seconded by Mr. Jackson, to come out of Executive Session.

In Favor: Terracio, Jackson and Newton

Not Present: Kennedy

The vote in favor was unanimous.

Mr. Jackson inquired if there is any action needed from the committee, if this item will be taken up by Council at tonight's Special Called Meeting.

Mr. Jackson moved, seconded by Ms. Newton, to forward to Council without a recommendation.

In Favor: Terracio, Manning, Jackson and Newton

The vote in favor was unanimous.

- c. County Attorney's Office – Request to Close a County Road – Murray Tract – Mr. Manning moved, seconded by Ms. Newton, to forward this item to Council with a recommendation to approve petitioner's request to close the subject road and direct Legal to answer the lawsuit accordingly.

In Favor: Terracio, Jackson and Newton

The vote in favor was unanimous.

5. **ITEMS FOR DISCUSSION**

- a. I move to evaluate affordable housing options to include the option of establishing an Affordable Housing Trust Fund for Richland County as a benefit to the public. Housing is considered to be "affordable" when 30% or less of one's income is spent on housing and utilities. In Richland County, nearly half of renters pay more than a third of their income on rent and utilities [TERRACIO] – Ms. Powell noted Mr. Brian Crooks, Comprehensive Planner, who is leading an internal work group around affordable housing and Ms. Katie Marr, with the Assessor's Office, were on the line.

Mr. Crooks stated they have provided a background overview of the current atmosphere of affordable housing in the County. They are looking at housing needs, and what policies and

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programs the County currently has underway. In addition to that, the briefing documentation explores potential barriers, as well as identifies some potential actions or options the County could pursue in tackling affordable housing.

Ms. Newton commended staff on the information they put together. She inquired if there are any items that staff considers being close to being completed, or significant progress has been made.

Mr. Crooks responded the next steps/action presented here are what staff has identified as being "low hanging fruit". The group has gone through and looked at the various actions and what steps would still need to be taken.

Ms. Powell stated today they are looking for a general consensus from the committee regarding the establishment of a committee as the next step. Each of the options the work group has presented need to be fleshed out further.

Ms. Newton noted the City of Columbia has a similar task force that is already underway. She inquired if staff sees any benefit to participating with the City of Columbia's group, either separately or in lieu of ours.

Ms. Powell responded that multi-jurisdictional collaboration is the best path forward, but she also thinks it is important that an internal group be convened to establish what the County's priorities are.

Ms. Newton inquired as to what staff's next step will be. (i.e. proposed make up of committee; charter).

Ms. Powell responded the next steps would be similar to what Councilwoman Newton outlined. They intend this to be an iterative, so there could be conversation with the committee. The plan is to bring this back to committee at the September committee meeting.

Mr. Jackson stated he believes it would be helpful to have some predetermined goals before the committee formulates itself. We have had experiences where without that, depending on who was on the committee, they can take it over, and it becomes something different than we intended it to become. For example, the Transportation Penny Advisory Committee (TPAC). They thought they were a governing organization, as opposed to an advisory committee. They thought that in order for things to happen in Transportation it had to get their approval. He would hate for us to lose control of Ms. Terracio's desire to get this accomplished, because he fully supports her. He suggested adding the Community Relations Council. He believes that organization needs to be represented, as they represent the community in various ways.

Ms. Terracio stated, for full disclosure, she has been invited to the City of Columbia's meetings.

Mr. Manning inquired how the City of Columbia is viewing Ms. Terracio's participation on their committee. (i.e. D&S Chair).

Ms. Terracio responded she does not know if she has a formal role, but she will provide an answer to Mr. Manning's question.

6. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

- a. I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate county ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance [NEWTON and DICKERSON] – Ms. Powell stated there is a staff work group waiting to move forward, in terms of enforcement, but before they do so they need to have the actual language established and clarification on the intent.

Ms. Terracio stated the consensus was to move forward with the residential landlord ordinance separately from the commercial landlord ordinance.

7. **ADJOURNMENT** – The meeting adjourned at approximately 5:58 PM.



Agenda Briefing

Prepared by: Sandra Haynes, Director

Department: Animal Services

Date Prepared: July 14, 2020

Meeting Date: September 22, 2020

Legal Review	Elizabeth McLean via email	Date:	July 17, 2020
Budget Review	James Hayes via email	Date:	July 16, 2020
Finance Review	Stacey Hamm via email	Date:	July 17, 2020
Approved for consideration:	Assistant County Administrator	Ashley M. Powell, Assoc. AIA, AICP	
Committee	Development and Services		
Subject:	Animal Care Officer title change		

Recommended Action:

Council initiated this request.

Motion Requested:

1. Move to change the division name of “Animal Care” to “Animal Care and Control.” Change the title of “Animal Care Supervisor” to “Animal Care and Control Supervisor.” Change the title of “Animal Care Officer” to “Animal Care and Control Officer.” The title changes will also be made within the County’s ordinance.
2. Move to change the division name of “Animal Care” to “Animal Control.” Change the title of “Animal Care Supervisor” to “Animal Control Supervisor.” Change the title of “Animal Care Officer” to “Animal Control Officer.” The title changes will also be made within the County’s ordinance.
3. Do not change the title of “Animal Care Officer.”

Request for Council Reconsideration: Yes

Fiscal Impact:

There would be an estimated minimum fiscal impact of less than \$2,000.00. Uniform apparel bearing the title and division name will require the purchase of new items.

Comment from Dwight Hanna, Director of Human Resources:

Good Afternoon Director Haynes,

HRSD would be able to absorb all costs associated with [name change] for documentation relating to HR, into our normal work processes, without needing any additional funding.

Motion of Origin:

All titles within that department be considered for consistency and a hopeful consensus from the County staff in that division as to a suggestion or recommendation for Council’s consideration at next month’s D & S Committee meeting.

Council Member	Jim Manning, District 8, Bill Malinowski, District 1
Meeting	Development and Services
Date	June 23, 2020

Discussion:

County Council could take the National Animal Control Association’s full name for a department name: Department of Animal Care and Control. This title offers a more general idea of the services the division provides.

The title of Animal Control is the most common title for department/divisions/officers. Animal Control Officers strive to serve the public as the frontline defense to protect the health and safety of humans and animals. What is derogatory is the term “dog catcher.”

A change in job title from “Animal Care Officer” to “Animal Welfare Officer” will not change essential tasks or experience requirements of the position. There will be no impact on the operations or the structure of the department.

Animal Care Officer input

	Division Name	Title
Officer 1	Animal Care and Control	Animal Care and Control Officer
Officer 2	Animal Control or Animal Services	Animal Control or Animal Services Officer
Officer 3	Animal Services	Animal Services Officer
Officer 4	Animal Care and Control	Animal Care and Control Officer
Officer 5	Animal Control or Animal Services	Animal Control or Animal Services
Officer 6	Animal Care and Control	Animal Care and Control Officer

Attachments:

1. Briefing document – Development and Services meeting 06/23/2020
2. Animal Care Officer job description

Discussion:

Additional information provided by Councilmember Malinowski on May 29, 2020:

"Animal Care Officer" (ACO) tends to be a bit confusing for those in the public who do not fully understand what these personnel do. ACO to some tends to have a derogatory connotation.

The field of animal welfare has dramatically changed within recent years. A title of "Animal Welfare Officer" offers a broader understanding of what their duties entail. They are not simply Disney's "dog catchers" that pick up strays and take them to "the pound."

Yes, they pick up strays, but they also conduct humane investigations into animal welfare, seeking justice for abused, neglected and abandoned animals. In doing so these personnel write extensively detailed narratives, face violators in court, and deal with sick and highly aggressive or dangerous animals. They conduct animal bite investigations and quarantines, educate the public, and teach people how to fulfill their responsibility to their pets, as well as their neighbors. They remove animals from homes of suicides, homicides and natural deaths, often in which they must see or work around the bodies. They remove injured or aggressive animals from the scenes of car accidents or collisions that result in an animal being struck by a motor vehicle.

These careers in animal welfare go beyond what comes to mind when you hear "animal control." I feel the title of Animal Welfare Officer would help ease the tension between this department and the public, and will help offer a better understanding of what this agency does in representing Richland County.

Bill Malinowski

Dwight Hanna, Director of Human Resources, has advised that if there is only a name change there would only be a need to make changes that reference "Animal Care" in these areas : Job Title, Job Description, Job Classification, Department Title. Otherwise, any changes to the actual job description would need to be reflected. Furthermore, if changes to the job description will alter more than 30% of the current job description there would possibly be a need to change the job's classification as well. Human Resources has also advised that the most common job sector title for services provided by Animal Care is "Animal Services". Other commonly used names include: Animal Care, Animal Control, Animal Welfare and Public Animal Welfare Services (PAWS)

**RICHLAND COUNTY, SOUTH CAROLINA
CLASS DESCRIPTION
2017**

**CLASS TITLE: ANIMAL CARE OFFICER
ANIMAL CARE DIVISION**

GENERAL DESCRIPTION OF CLASS

The purpose of the class is to enforce ordinances governing the care and keeping of domestic animals and livestock in an effort to maintain public safety and welfare, and to perform related work as required. This class works according to some procedures but is expected to exercise considerable initiative to work independently in the field and is expected to organize work assignments to respond to a maximum number of calls. Work is reviewed regularly by supervisor.

ESSENTIAL TASKS

The tasks listed below are those that represent the majority of the time spent working in this class. Management may assign additional tasks related to the type of work of the class as necessary.

Uses considerable tact and de-escalation techniques when dealing with irate citizens.

Patrols areas of the County on foot or in assigned vehicles to detect violations of laws and ordinances pertaining to animal control.

Investigates reports of animal complaints; document responses; collects evidence; files charges as appropriate; prepares cases for prosecution and provides courtroom testimony.

Responds to calls regarding stray, vicious and/or diseased animals; responds to calls regarding animal bites; performs preliminary investigations.

Mediates animal complaints between citizens when appropriate.

Captures and transports stray, sick, injured or potentially rabid animals to the shelter for appropriate processing, care and treatment, and quarantine as necessary.

Determines breeds of animals for proper classification.

Assists in performing euthanasia.

Picks up and properly disposes of animal carcasses.

Assists law enforcement personnel in situations involving animals as requested.

Issues warnings and citations for violations of ordinances governing the care and keeping of animals and conducts follow-ups when necessary.

Provides public education regarding animal control; explains ordinances related to the care and keeping of animals; and assists in the performance of community sweeps.

Creates affidavits for petition hearings and search warrants in compliance with County ordinance.

Performs dispatching duties when necessary.

CLASS TITLE: ANIMAL CARE OFFICER

Maintains assigned vehicles and equipment.

Maintains records of daily work activities.

Performs routine clerical duties as required, including but not limited to greeting and assisting customers, preparing forms, answering the telephone, copying and filing documents, etc.

Operates a vehicle, traps, restraining / capture devices, two-way radio, hand tools, telephone, etc.; exercises care and safety in the use and maintenance of assigned vehicle and equipment.

Attends training, meetings, workshops, etc., as necessary to maintain job knowledge, skills and required certifications.

Works on call 24 hours per day as scheduled.

Maintains a working relationship with external customers, to include but not limited to staff members of the City shelter, veterinarians, DHEC, and law enforcement personnel.

Must be proficient in Microsoft Office.

INVOLVEMENT WITH DATA, PEOPLE, AND THINGS

DATA INVOLVEMENT:

Requires gathering, organizing, analyzing, examining or evaluating data or information and may prescribe action based on such data or information.

PEOPLE INVOLVEMENT:

Requires persuading or influencing others in favor of a service, point of view, or course of action; may enforce laws, rules, regulations or ordinances.

INVOLVEMENT WITH THINGS:

Requires handling or using machines requiring moderate instruction and experience such as computers, cameras, animal control equipment, chemical immobilization rifle, etc.

COGNITIVE REQUIREMENTS

REASONING REQUIREMENTS:

Requires performing skilled work involving rules/systems with almost constant problem-solving.

MATHEMATICAL REQUIREMENTS:

Requires using addition and subtraction, multiplication and division, and/or calculating ratios, rates and percentages.

LANGUAGE REQUIREMENTS:

CLASS TITLE: ANIMAL CARE OFFICER

Requires reading technical instructions, procedures, manuals and charts to solve practical problems; composing routine reports and specialized reports, forms and business letters with proper format; speaking compound sentences using normal grammar and word form.

MENTAL REQUIREMENTS:

Requires doing clerical, manual or technical tasks requiring a wide range of procedures and requiring intensive understanding of a restricted field or complete familiarity with the functions of a unit or small division of an operating agency; requires normal attention with short periods of concentration for accurate results or occasional exposure to unusual pressure.

VOCATIONAL/EDUCATIONAL AND EXPERIENCE PREPARATION

VOCATIONAL/EDUCATIONAL PREPARATION:

Requires high school diploma, GED or specialized vocational training.

SPECIAL CERTIFICATIONS AND LICENSES:

Must possess a valid state driver's license.

Must possess or be able to obtain Animal Control certification; may be required to possess or obtain other certifications as deemed necessary by department head.

EXPERIENCE REQUIREMENTS:

Requires over six months and up to and including one year.

AMERICANS WITH DISABILITIES ACT REQUIREMENTS

PHYSICAL AND DEXTERITY REQUIREMENTS:

Requires medium-to-heavy work that involves walking, standing, stooping, lifting, climbing, pushing or raising objects and also involves exerting between 20 and 50 pounds of force on a recurring basis and 50 to 100 pounds of force on an occasional basis. Requires routine keyboard operations.

ENVIRONMENTAL HAZARDS:

The job may risk exposure to bright/dim light, dusts and pollen, extreme heat and/or cold, wet or humid conditions, animals/wildlife, fumes and/or noxious odors, traffic, heights, disease/pathogens, toxic/caustic chemicals, violence.

SENSORY REQUIREMENTS:

The job requires normal visual acuity and field of vision, hearing and speaking abilities, depth and color perception.

JUDGMENTS AND DECISIONS

JUDGMENTS AND DECISIONS:

CLASS TITLE: ANIMAL CARE OFFICER

Responsible for guiding others, requiring frequent decisions affecting co-workers, customers and others who depend on the service or product; works in a somewhat fluid environment with rules and procedures but with many variations from the routine.

ADA COMPLIANCE

Richland County is an Equal Opportunity Employer. ADA requires the County to provide reasonable accommodations to qualified individuals with disabilities. Prospective and current employees are invited to discuss accommodations.



ISSUES BRIEFING – AFFORDABLE HOUSING ADVISORY COUNCIL

This issues briefing serves to provide follow-up information related to an affordable housing advisory committee. Included below is background on the item, such as where the item derives, questions and comments pertaining to it, and provided direction, along with a recommended course on moving the item forward.

BACKGROUND

At the May 21, 2020 Development & Services [D&S] Committee meeting, the Legal Department submitted an item regarding a request for establishing an affordable housing trust fund. The Committee decided to hold the item in D&S in order to explore the request further. At the next D&S Committee meeting on June 23, 2020, under items pending analysis, and now sponsored by Councilperson Terracio, the Committee discussed the motion further. Staff provided information on the item, specifically, that Administration was convening an internal workgroup to address the item in a comprehensive manner related to affordable housing.

The internal workgroup developed an issues briefing related to affordable housing in the County and presented it at the July 28, 2020, D&S Committee meeting. This issues briefing included background on affordable housing needs, along with current policies, programs, and related efforts underway by the County. It also explored potential barriers for affordable housing specific to Richland County and identified actions the County could undertake to address affordable housing needs. Included in that issues briefing was the potential action for developing an affordable housing advisory committee among other recommended actions. The internal workgroup recommended to the Committee that staff continue exploring tools and actions with the affordable housing committee being the first priority.

The D&S Committee accepted this as a top priority with the following comments and questions related to such:

- What is the role or purpose of the group? There needs to be a clearly defined purpose from the beginning to avoid issues that have developed with other advisory groups.
- Would staff be looking to provide the Committee with a recommended structure and/or charter for the group? What would the group being proposed look like?
- Who all would be participating? The group needs to be sure to include advisors and not solely decision-makers, to avoid veering from a purpose.
- What would be the goals or objective of the group? There needs to be some preliminary goals around, and relating back to, the purpose of the group in terms of focus and direction.

The internal workgroup took these questions and comments as the direction for its work since the July 28 meeting. The workgroup synthesized this feedback into general tasks:

- Develop a clear purpose for the committee that lends to development of specific outcomes
- Develop a proposed structure for how the committee could function and operate, including potential make-up of the body
- Parameterize and define elements related to potential goals, objectives, data points, and work products



RESPONSES FOR COMMITTEE CONSIDERATION

Purpose:

The Affordable Housing Advisory Council [AHAC] will serve as an advocate for affordable housing development by identifying, investigating, and making recommendations to the County related to strategy, policy, programming, and services that may help reduce barriers to decent, safe, accessible, and affordable housing choices for County citizens while regularly reviewing the County's policies and procedures related to affordable housing solutions.

The AHAC will accomplish this by:

- Assessing the current and future landscape of affordable housing in Richland County by evaluating current and future programs; and
- Making recommendations to the County Council and Administrator on how to improve and enact policy, programs, standards, and regulations to preserve and develop quality affordable housing in the County.

AHAC Structure:

- The AHAC should function as a formal advisory council per Article VII, Chapter 2 of the Richland County Code of Ordinances. The AHAC should function in a manner similar to that of the Ad Hoc Blue Ribbon Committee, where it is comprised of both Councilpersons, staff, citizenry, and others in a hybrid format. Unlike the BRC, which operates to expend funding related to disaster recovery and is a staff-driven effort, the AHAC would meet regularly to discuss items per its purpose and duties as led by the AHAC itself. The AHAC would likely need to meet monthly in the start-up and beginning phases as more in depth work launches, such as creating bylaws, committees, and reports, and could move to less frequent (quarterly) meetings as it performs work on a more issue-based schedule related to proposed initiatives. As currently proposed, the AHAC would not need a dedicated funding source.
- Duties and responsibilities to be determined utilizing recommended parameters below.
- Membership:
 - Designated Councilpersons
 - Designated staff members
 - Appointed citizenry
 - Representatives from various organizations engaged in affordable housing development**
 - Midlands Housing Trust Fund
 - Central SC Habitat for Humanity
 - Columbia Housing Authority
 - Homeless No More
 - United Way of the Midlands
 - MORE Justice



- HomeWorks
- SC Appleseed Justice
- Community Relations Council of the Midlands
- The COMET
- Mutual Aid of the Midlands

*** The above is not an exhaustive list of organizations and entities but serves to provide a preliminary look at some of the various groups Council may wish to include.*

Recommended Parameters for the AHAC:

1. Affordable housing:

- Housing that is affordable to a household earning between 80% and 30% of the County's (not MSA) median income and spends no more than 30% of their gross income on housing costs.
 - Includes income limits and spending thresholds that would be consistent with HUD guidelines.
 - Housing units that are cost-restricted or market-based housing, not solely cost-restricted or subsidized
- Price points for units between \$650-\$1,350 based upon target demographic and products
- Decent, safe, and accessible
 - Decent housing meets standards for appropriate number and type of rooms, facilities, appliances, equipment, and other elements within or accompanying a unit related to habitability
 - Safe housing is free from lead, asbestos and other environmental hazards and meets County building standards
 - Accessible housing meets ADA standards and is conducive for multiple modes of transportation

2. The target demographic:

- Between 80% and 30% of the county median income per HUD income limits
 - Dictates maximum ability to pay
 - Determination of market product
 - Other programs would address households below the 30%, such as CHA and non-profit partners
- Renters and Owners
 - Addressing long-term needs as the County grows
 - Preserving existing units and producing new ones
 - Setting target based upon future needs
- 60/40 split with larger assistance focus on fixed-income individuals towards the lower end of the income range



- Does not include persons in transitional or homeless housing, as those needs are uniquely different than those solely of affordable housing and often must be addressed separately through policy and other efforts

3. The target product:

- Price points between \$650-\$1,350
- Multi-family and single-family
 - Footprint or unit-based housing is often more affordable
- Preservation of existing units and production of new ones
- Amount of square footage or number of rooms is undeterminable and would be based upon the built product and/or tools utilized and needs consideration moving forward

4. The target location or geographic area of impact:

- Need is county-wide
 - Includes primary focus upon unincorporated Richland County, with limited focus through partnerships and collaborations with municipalities
 - AH cannot feasibly be placed anywhere within the County
 - Locations would need to be accessible via and to supporting services
 - Adjacency of public transit, grocery stores, sidewalks, etc.
- Locations needs to be integrated within existing communities
- Locations for focus should be mixed-use and commercial nodes and corridors, such as activity centers as major centers for development
- Neighborhood Master Plan areas could also serve as target locations

5. Outcomes: Initiative would be about what Richland County can perform/undertake or about building partnerships for affordable housing:

- Incentives versus mandates versus funding utilization
- Public/Private Partnerships versus outsourcing to service providers versus direct government participation
- Working with partners versus working through partners
- Stakeholders versus drivers





ISSUES BRIEFING – ABSENTEE LANDLORD ORDINANCE

This issue briefing considers and provides recommendations regarding the systematic, operational, and financial implications presented in the proposed ordinance [in its current format], as well as draft amendments to the proposed ordinance.

BACKGROUND

Based on data from the Assessor's Office, using residences and commercial properties with more than one structure taxed at the 6% tax rate, Richland County is home to approximately 33,160 active residential rental properties and over 6,000 commercial rental properties. The rentals are located across the 775 square miles of both incorporated and unincorporated areas of the County.

During County Council's May 21, 2020, Development and Services Committee meeting, Council Members directed County Legal and Administration Departments to provide a comprehensive review of the potential legal impacts associated with adopting an ordinance that addresses owner/landlord standards for residential rental properties. The draft Absentee Landlord Ordinance addresses issues not included in the original, proposed ordinance.

This is a working document developed by a workgroup comprised of staff members from the Community Planning & Development Department (Business Service Center, Zoning and Development Services, Building Inspections, and Assessor's Office), Public Works Department (Waste Management), Sheriff's Department, and Animal Care. These departments and divisions are considered internal stakeholders for the proposed ordinance. The workgroup reviewed the draft ordinance and identified potential barriers to implementation. The workgroup outlined administrative, operational, and financial implications of the draft ordinance, as written, for permitting residential rental properties.

STATUS OF RENTAL PROPERTIES IN RICHLAND COUNTY

The number of rental properties in the County directly influences staffing requirements and enforcement capabilities. As a means of identifying rental units within the County, the Assessor's Office can report on the properties in which the legal residence exemption is granted vs. properties that do not receive the legal residence exemption. The properties with the exemption are at the 4% rate, and those without are the 6% rate non-owner occupied.

The number of non-owner occupied rental properties within the County's limits is estimated at 33,160. The Assessor's Office current data identifies all residential homes at 6% as residential non-owner occupied rental properties. This method does not account for non-owner occupied rental properties taxed at 4% due to the owner failing to change the status of their home from a primary residence (4%) to a non-owner occupied rental property (6%). The method does not separate the number of properties assessed at a tax rate of 6% because they are not primary residences (e.g. a second home, not utilized as a rental property). Even given the margin of error potentially resulting from the above-mentioned facts, this method is currently the most accurate means of calculating residential rental properties within the County.



Count of Municipality

Municipality	Non-Owner Occupied
Arcadia Lakes	31
City of Cayce	164
City of Columbia	11,076
Forest Acres	899
Town of Blythewood	98
Town of Eastover	141
Town of Irmo	612
Unincorporated	20,139
Grand Total - Count	33,160

MISSION-CRITICAL ISSUES

METHODOLOGY TO ENSURE CONSISTENT APPLICATION

The general strategy below outlines steps identified to implement the proposed ordinance, as currently written, via consistent application across the county.

- 1) The Assessor's current database system can be utilized to identify/estimate the volume of properties potentially affected by the proposed ordinance.
- 2) Tracking the aspects of the program (including inspections procedures, fines, affected properties, etc.) and routine review/spot-checking of a subset of approved applications to ensure divisional management teams will conduct



consistent enforcement of the ordinance (e.g., verification of ownership or rental status). Any issues identified through tracking will prompt staff to make adjustments to the methods, procedures, tools, templates, and training processes where needed to promote consistency within the program.

- 3) Staff will regularly communicate and collaborate with stakeholders for continuous input into and improvement of the implementation process. Due to their expertise and experience, stakeholders need to participate in identifying staffing, operational, and financial needs associated with the ordinance's implementation and execution.
- 4) Pending approval of the proposed ordinance, specific methods and procedures will be developed. They will prescribe how each key process of the ordinance (including the location of rental properties, how and when inspections will be conducted, etc.) should be implemented. Tools and templates for each of these key processes will be developed for easy re-use to provide consistent implementation across the County. These documents will be made available to all relevant staff members via posting on the County website, internal SharePoint, etc.
- 5) Training will be provided to staff on the correct implementation of the proposed ordinance. The training will encourage communication and provide a consistent message across all staff for implementation.
- 6) Identifying the appropriate staff and assigning responsibilities will facilitate the successful management of the program. Issues will need to be reported to the management team without fear of reprisal such that changes can be implemented quickly to ensure consistent application across the County.

APPLICATION / PERMITTING

We recommend using the established TRAKiT Software System for the issuance of the residential rental permit. The Building / Property Maintenance Division uses the TRAKiT system for permitting and inspection operations. The county purchased TRAKiT in 2013 for its versatility in permitting activities. The TRAKiT system can assign all stakeholders (i.e., Animal Care, Business Licensing, Zoning, etc.) a notification for review. All stakeholders can review the application and inspection form during the permitting process. The system allows each area to approve or disapprove the application with noted comments for other operational areas to view and consider when reviewing the applications. It facilitates the ability of divisions to work in unison across divisional lines. The Permitting Division would be the issuing authority once the different review areas have been satisfied, much like the Certificate of Occupancy (CO) issued by permitting for residential occupancy in new home construction. The system will allow the staff to generate statistical data for areas, like the number of rentals by location, the number of failed inspections on rental properties, who conducted the inspections, and track fees assessed and paid.

Currently, Information Technology Department (IT) has verified the TRAKiT system has the capabilities to be used as the operational catalyst for the rental permitting process. We recommend IT provide any possible cost estimates for charges that may be incurred if the TRAKiT Software requires any additional expansions from its current format.

The chart bellows outlines the application/ permitting process as viewed using the TRAKiT system. Each stakeholder will have the opportunity to review the initial permit request at the same time, compare it to any historical and current violation data they may have on the property requesting the permit. They can then approve the permit or deny the permit and take appropriate actions to have the owner abate the issues raised during the review process.



Draft Permitting Cycle

Absentee Landlord Permitting Process TRAKiT System

Draft Permitting Cycle

Owner / Representative Applies
for Permit
Permitting Office / Online

Processing Agency: Building Inspections
Where: Online/Walk-in
When: 1 July 2022

Information Inputted to TRAKiT
System
Permitting Office

Processing Agency: Permitting Specialist
Required Information: Owner Information
Representative Information (If Applicable)
Location of home, Type of Home,

System sends Review Request to
Selected Stakeholders for Permit
Approval
Stakeholders' Reviews of Property

- Recommended Reviews
1. Property Maintenance
 2. Zoning
 3. Business Office
 4. Waste Management
 5. Animal Control
 6. Assessor Office
 7. Sheriff's Office / Code Enforcement

Each area verifies no past due violations are present on the property or with current resident. Any violations not abated will result in a disapproval review and the permit will not be issued.

System logs Permit Approval.
Inspection Date & Time are
Scheduled
Permitting / Inspection Team

Processing Agency: Property Maintenance
Inspection Team Performs on-site
Inspections

Inspection Results Logged into
the System from Rental Location
Inspection Passes
Inspection Team

Permitting Specialist Verifies
Approval in the System.
Permit is posted
Permitting Team



IDENTIFICATION/ENGAGEMENT OF OTHER STAKEHOLDERS IN THE ORDINANCE DEVELOPMENT PROCESS

The proposed ordinance does not specify key, internal stakeholders. The workgroup recommends the below stakeholders have an active role in the permitting and verification process of the Absentee Landlord Rental Permit. The below chart outlines their role in the verification for permit approval.

Functional Areas				
	Permitting Reviewers	Initial Permit Review for Approval	Property Previous Violations Reviews	Required Initial Inspections
Stakeholders	Building Inspections	Yes Permitting Staff	Property Maintenance (Structure Only)	Yes Property Maintenance (Structure Only)
	Zoning	Yes Zoning Staff	Yes Permitting Verification	No
	Business License	Yes Verification of Number of Rentals	Yes Permitting Verification	No
	Assessor	Yes Tax Rate Verification	Yes Verify Correct Tax Rate	N/A
	Animal Control	Yes Animal Control Violations	Yes Animal Care Violations	Yes Based on Historical/ Case Data
	Waste Management	Yes Previous Waste Management Violations	Yes Abate Property Violations	Yes Property Verification
	Code Enforcement (Sheriff Department)	Yes Property / Criminal Activities	Yes Criminal Activities Property Code Enforcement	No Based on Case Historical Data
	Special Services	Yes / Property Violations	Yes Property Code Enforcement	No

We recommend the stakeholders develop work groups within their respective divisions to develop internal processes, which will define their role in executing the potential ordinance. Implementing these divisional, internal workgroups will set forth the best platform to identify key concerns or previous problem properties upfront in the permitting process.



Identifying issues upfront will help eliminate the daunting task of chasing down Absentee Landlords. The combined permitting process will allow each area to address and train for the majority of issues before the permit is released. The workgroup staff recommends a period to educate and disseminate information on the proposed draft ordinance to internal and external stakeholders (community, landlords, etc...). This time should be outside the mandated public hearing outlined in the ordinance development process. External stakeholders can be neighborhood, community, landlord/tenant associations, and other constituents.

SEC / INSPECTIONS AND COMPLAINTS

The inspection process is essential in ensuring the ordinance’s effectiveness. The proposed ordinance allows the owner to conduct his or her inspections for code compliance. This clearly stated by the City of Columbia employee that spoke with us during our research. In that jurisdiction, they depend on the majority of property owners to conduct their compliance inspections, because for the jurisdiction to inspect every property would be labor-intensive. In a different jurisdiction, there is no dedicated inspection for the rental permitting. They only require properties with two violations in a 12-month to register the rental property. This data confirms a uniform inspection standard must be completed to ensure all properties are being inspected the same regardless of who is doing the inspection. The workgroup recommends inspection items come from the International Property Maintenance Code. Violation items not included in the referenced code will be hard to enforce consistently across the county. An inspection for ordinance and code compliance will require the property owner or representative to be on-site for the inspection. The owner or representative can expect an inspection of this type to take approximately 30-40 minutes, dependent on the number of violations found.

The workgroup recommends the Property Maintenance Inspectors conduct the initial property inspection.

The workgroup included an example/draft of an inspection form, titled “Draft Inspection Form” with the attachments of this document to demonstrate what an inspection may look like.

REVIEW OF OTHER MUNICIPALITIES/COUNTIES COMPARABLE ORDINANCES

Summary of Ordinances

The workgroup looked at other in state jurisdictions that had Absentee/Rental Ordinances. The work group also looked at one out of state ordinance (San Antonio, Texas). The research of San Antonio was to see how an out of state jurisdiction set the requirements of the owner’s proximity to their rental property. This is referenced later in the document.

Nine different aspects of the four landlord ordinances were studied and compared from the jurisdictions within the state. These aspects include:

These aspects include:

- | | | |
|-----------------------------|------------------------|--------------------------------|
| (1) Scope | (4) Timeframes | (7) Verification of Compliance |
| (2) Rental Unit Definition | (5) Local Contacts | (8) Enforcement |
| (3) Registration or Permits | (6) Fees and Penalties | (9) Appeals |



There are two discernable requirements common to all four cities: (1) limiting their ordinances to residential rental units only: none of the four cities addressed commercial rental units and (2) having an annual requirement either to register or obtain a rental permit.

This review also revealed a significant dichotomy of approaches between the two large-university cities and the two cities without major universities. The difference in approaches related primarily to fees, compliance, and enforcement.

While the two university cities' ordinances were similar in some ways, at least one substantive difference exists between them. Their respective approaches to verifying compliance and facilitating enforcement differ fundamentally. Clemson proactively requires annual inspections, while Columbia requires only self-reported compliance and subsequently responds reactively to violations (based on assumed reported complaints) with a point (demerit) system resulting in increasing levels of enforcement.

Analysis

The four ordinances were compared based on nine aspects common to all the ordinances. These aspects and their findings are described briefly below.

- Scope: All four cities limit their landlord ordinances to residential rental units. None of their ordinances includes or addresses commercial rental units.
- Rental Unit Definition: Three of the four cities (excluding Cayce) included “portions” of rental units, such as bedrooms, basements, or attics. Cayce, on the other hand, made no such distinction.
- Registration or Permits: All four cities above require landlords to either register with the City (Cayce and Greenwood) or obtain a rental permit (Clemson and Columbia). These requirements are separate from and in addition to the Cities' business license requirements.
- Timeframes: All registrations and permits are required annually, with three Cities having fixed deadline dates (though none the same – April 15, May 1, and July 1) by which to comply and one (Columbia) authorizing permits for twelve months following the date of issuance of the permit.
- Local Contacts: Only Cayce did not require landlords to identify local contact. The others did so, though with varying proximity requirements:
 - Columbia:
 - Owners – within 45 miles of the City (outside the City by no more than 45 miles)
 - Agents – within 45 miles of the property
 - Clemson: within 50 miles of the City: (outside the City by no more than 50 miles)
 - Greenwood: within 75 miles of the City: (outside the City by no more than 75 miles)



Fees and Penalties:

City	Registration or Permit Fee	Penalty Amount
Cayce	\$0.00	\$100/year
Greenwood	None referenced	None referenced
Clemson	\$100	\$50/month
Columbia	\$25 (waived for landlords with business licenses)	5% per month

Verification of Compliance (Inspections):

City	Method of Verifying Compliance	Inspection Fees	Inspection Penalties
Cayce	None specified	n/a	n/a
Greenwood	None specified	n/a	n/a
Clemson	Annual Inspections – by August 31	\$100	\$50
Columbia	Inspections authorized but not required; Self-reported compliance	\$50 only after 2 nd inspection	n/a



Enforcement:

City	First Step	Next Steps	Last Step
Cayce	Not specified	Not specified	Uniform Ordinance Summons
Greenwood	Not specified	Not specified	Not specified
Clemson	Advisory Notice (first or second violation at property)	Warning Notice (after third violation at property in rolling 24 months)	Suspension Hearing (after another violation at property within 12 months of Warning Notice)
Columbia	Point System Warning Notice (after points are assessed)	Point System \$100 Fine (for every point after 5 points)	Point System Revocation of Permit (for 15 points or more within twelve months)

Appeals:

City	Body to Hear Hearings or Appeals
Cayce	Not specified (presumably Court after a Uniform Ordinance Summons)
Greenwood	Not specified (presumably Court after a Uniform Ordinance Summons)
Clemson	City Council (Rental Permit Suspension Hearings)
Columbia	Police Chief (for Rental Permit Denials and Appeals)



WORK FORCE REQUIREMENTS

STAFFING

The work group recommends the Property Maintenance (PM) Inspectors within the Building Inspection Division of Community Planning and Development assume the lead responsibility for the execution of the proposed ordinance. To perform these types of inspections, inspectors will need specific types of training and certifications. PM staff carry the required International Code Council (ICC) Certification to enforce Property Maintenance standards and are County Code Enforcement Officers. They also have access to the permitting and tracking functionalities of the County’s development services technology system, iTRAKiT, which is recommended for tracking of residential rental permits as defined in the proposed ordinance. Currently, their primary function is the abatement of unsafe structures, and their team consists of four (4) Inspectors and one (1) administrative assistant.

The below chart outlines the Property Maintenance Team’s current workload.

Property Maintenance Current Work Load		Currently Assigned 4 Field Inspectors	
Active PM Cases	Average Cases per Inspector	Inspections per Day	Property Inspection Requirements
355	$355/4=89$ Annual Inspections	$89/4=6$ Daily Inspections	1 Inspection x 30 Days
Richland County	Miles Covered per Inspector	Average length of Inspection	
775 sq. / miles	194	45 - 60 Min (PM Inspections)	
Administrative Assistant	Case Management (Letters, Notifications, Demolition Processing)		
1	355		

Given the workload information shown above, the estimated 33,164 residential rental properties, and the average PM inspection time for a residential permit inspection walkthrough (typically 30-40 minutes), the minimum staffing of eight (8) additional inspectors will be required. All of these factors would bring the PM staff to a total of twelve (12) to perform both Property Maintenance and the execution of the proposed ordinance. PM inspectors would continue to operate in regional areas within the county. Those areas with a higher volume of rental properties would have multiple inspectors

assigned to the region. The inspectors would be responsible for all rental permitting inspections and unsafe structure monitoring.

(Note: The chart reflects Property Maintenance Inspector physically conducting a compliance inspection of all rental properties.)

Property Maintenance Projected Work Load (Based on the addition of 8 new inspectors)		Projected Required Field Inspectors = 12 (8 New, 4 Current)	
Projected Permitting Inspections	Average Annual Inspections per Inspector	Inspections per Day (Based on 261 Work Days)	
33,160 (+)	33,160/ 12 (Inspectors)= 2,763	2,763/261 (Work Days) = 11 Inspections Daily	
Richland County	Miles Covered per Inspector	Average length of Inspection (Travel Time should be limited due to Inspectors will operate in an assigned area)	
775 sq. / miles	65	30-40 Min	

With the addition of 8 new inspectors, two (2) additional administrative staff would be needed as well. This would provide one (1) administrative assistant per four (4) inspectors. Administrative duties such as creating and mailing out letters for annual renewals, non-compliance, complaints, and follow-ups, as well as ensuring inspections are completed promptly will be the focus their duties. With the adoption of the proposed ordinance, additional staff required may need adjusting based on the actual amount of work needed to implement the program across the county.

BUSINESS SERVICE CENTER: ADDITIONAL STAFFING NEEDS

The Business Service Center’s staff of seven, when fully staffed, includes two Revenue Inspectors, two Revenue Analysts, two Revenue Auditors, and one Division Manager. These seven staff members are currently responsible for managing roughly 10,000 businesses. This amounts to 5,000 businesses for each of the two Revenue Analysts, for each of the two Revenue Inspectors, and each of the two Revenue Auditors. With this ratio of businesses to employees, there will be hundreds, or more, of businesses that do not get the attention that is needed. (This attention facilitates compliance, which generates business license revenues to the County.)

Of these 10,000 businesses, only 130 businesses with 2020 County business licenses are classified as residential landlords (531110 -Lessors of Residential Buildings and Dwellings). Based on the data provided by the Assessor’s Office, there are 20,139 non-owner occupied residential properties in the unincorporated areas of Richland County. To estimate how many residential properties in the unincorporated County areas may require a business license, several “assumptions” are made, identified below:

- “Assume” that 25% of these are second homes and not rented, leaving 15,104 residential properties that are rented.
- “Assume” that another 35% of the remaining properties are not subject to the business license requirement due to the property owners having less than three residential properties, with three residential properties being the threshold at which point landlords are required to have business licenses. This leaves 9,818 residential properties that are subject to the business license requirement.
- “Assume” that every landlord (property owner) of the remaining 9,818 properties subject to the business license requirement owns an average of five properties, resulting in the 9,818 properties being owned by 1,964 separate property owners.
 - Keep in mind that business licenses are issued to landlords as the property owners – not to individual properties. Therefore, the number of individual properties is somewhat less important than the number of landlords, property owners.
- By removing the 130 residential property owners who have current 2020 Richland County business licenses, this leaves $1,964 - 130 = 1,834$ currently unlicensed residential property owners.
- Therefore, this proposed absentee landlord ordinance is estimated to result in an 18.34% increase in the number of business licenses. This means that there would be an 18% increase in the number of new business license applications that would need to be sent out, followed up on, renewal applications processed every year, as well as inspected and audited as needed.

It is estimated that a “realistic, feasible” ratio of businesses to Business Service Center employee is 1,000 businesses to 1 employee. Recognizing, however, the impracticality and unrealistic nature of such staffing ratios, this ratio could be applied solely to the new residential landlord business licenses. This ratio applied to the estimated 1,834 new business licenses would result in the need for 1.8, rounded up to 2, new Revenue Analysts, 2 new Revenue Inspectors, and 2 new Revenue Auditors.

However, since the work load is estimated at this time and staffing is based on the above assumptions, the Business Service Center recommends staffing increase by two team members. One Administrative Assistant and one Inspector. With the adoption of the proposed ordinance, additional staff may be required based on the actual amount of work needed to implement the program across the county

IMPLEMENTATION TOTAL COST

With the number of residential properties estimated by the above data, it is possible to generate substantial revenue for the county by tying the landlord business licensing to the ordinance, which may be largely offset by implementation costs. We have attached a Business License Addendum (see attachments for documents) explaining the requirements for the landlord business license, and it can provide a method for identifying existing residential landlords with multiple properties who have a business license. The staff workgroup recommends requiring all rental owners to have both a rental permit and a landlord business license regardless if they own/rent one or more homes. This concept would allow the landlord



business license/business license division to track rental properties as a business in Richland County and serve as a means of verification. Currently, the Landlord Addendum requires owners that rent out three or more properties to have a Landlord Business License. The owners with less than three properties are not required a business license.

The estimated cost of the initial implementation for the Property Maintenance Team appears to be approximately \$651,118. The estimated cost only represents the listed categories as they pertain to the Property Maintenance Team, assuming responsibilities for the implementation and execution of the permitting and inspection requirements. The Business Service Center costs incurred are based on the increase of business licensing activities with the adoption of the draft ordinance. Other departmental areas that may find themselves having to take a more active role in the execution of the ordinance will determine their operational cost during additional staff workgroups as the ordinance moves forward. We recommend departmental responsibilities be further outlined in future workgroups to allow any additional stakeholders/department operational costs and staffing to be identified quickly to provide the most accurate cost estimate possible.

Total current estimated costs to begin Implementation of the proposed ordinance is below by category:

Cost Category	Building Inspections Division Estimated Costs	Business Service Center Estimated Costs
Vehicles	\$199,440.00	\$0.00
** Start-up Equipment (Desks, computers, chairs, etc...)	\$7,350.00	\$5,000.00
Operational	\$8,500.00	\$6,000.00
Labor costs	\$336,688.00	\$79,000.00
Training	\$6,140.00	\$3,000.00
Total for Implementation per Division	\$558,118.00	\$93,000.00
Estimated Total Start-up Cost	\$651,118	

** Startup equipment may be reduced based on availability of surplus office items, available office space, and spare vehicles.

In addition to the staffing costs, there is an initial vehicle cost. Fleet Service would be responsible for ordering the required number of vehicles needed for the inspection staff. The vehicle cost can quickly become excessive if fleet service does not already have vehicles available to reassign to the division. Additional annual costs including but not limited to gas, training, maintenance, and replacement of equipment is required once the program is operational.

The below sections provide a basic breakdown of costs that are shown in the above chart:

➤ **Building Inspection Division:**

Start-up equipment: \$7,350

- Inspectors: (iPad) for every new inspector: 8 inspectors = \$400/ iPad = \$3,200
- Administrative employees: 2 desktop (\$1,000), desk/cubicle (\$1500), and chair (\$150) for every administrative staff person: 2 administrative employee = \$4,150

Operational / Labor costs: \$8,500 + \$336,688.00

- Office supplies, PPE, field equipment, fuel, etc. ($\$1,000/\text{employee}/\text{year}$)= $\$8,500$
- Ten employees (8 inspectors, 2 admin. employee/year)= $\$336,688$

Vehicles: $\$199,440$ (Based on 8 Employees at implementation)

- 1 vehicle for every inspector: $\$24,930/\text{per vehicle}$ (8)

➤ **Business Licensing Division**

The total number of new positions anticipated to be needed by the Business Service Center Division as a result of a new absentee landlord program, therefore, would be six. The costs associated with six new positions are shown below, with all assumptions identified.

Start-up Equipment: $\$5,000$

- Inspectors: Computers ($\$1,000 \times 2$ positions) $\$2,000$
- Administrative Equipment: desks ($\$500 \times 6$ positions) $\$3,000$

Operational / Labor Costs: $\$79,000$

- Office Supplies, PPE, Field Equipment, Fuel, etc. ($\$1,000 \times 2$ positions) $\$2,000$
- $\$1,834$ new business licenses would result in increased printing costs = (+/-) $\$1,000$
- Two Employees (Average salary per position: $\$38,000 \times 2$ positions) = $\$76,000$

Vehicles: $\$24,930$

- 1 vehicle for each Inspector: $\$24,930 / \text{per vehicle}$ (1 @ $\$24,930$) (If needed on-site inspections increase for BSC) (Currently have 3 vehicles assigned)

Of course, two new positions would require a physical space sufficiently large enough for the employees to work. At this time, the Business Service Center does not have sufficient space to house seven employees, particularly with 6’ social distancing requirements. There is unused office space available in the Building / Planning area. This space could accommodate three (3) additional personnel. This would leave a shortage of three (3) office spaces for new personnel.

Training costs breakdown shown below:

Implementation of the proposed ordinance, as discussed above, will come with requirements for additional staff, additional training for staff, and other operational costs. Proper staffing, training, and the provision of tools essential to the success of the program will ensure the consistent application of the proposed ordinance throughout the county by bringing cogency to the implementing team operations. It takes about six (6) months to train a staff member to be proficient enough with the International Property Maintenance Code to pass the certification test and be comfortable operating on his or her own in the field. Once certified through the International Code Council, the inspector will be required to obtain a minimum of twelve (12) Continuing Education Units (CEUs) annually. The county requires all inspectors to maintain an active certification to perform their job. Once certified, the county swears them in as Official Code Enforcement Officers with Summary Authority.

The chart below breaks out the cost of hiring one (1) PM Inspector to include the training and testing for the hiring year.

The information also provides an annual cost for the consecutive year to cover the cost of the CEU requirements. It also provides the cost of hiring an additional Administrative Assistant.

Note: The below chart looks only to account for salary and not the actual, composite cost of onboarding a new employee for the County.

Administrative Assistant Cost			Cost per Staff Member (First Year)	Continuing Education 12 hrs. Annually	Cost per Staff Member (Annually There-after)
Entry Wage	Training Course	Certification Testing			
\$26,620.00	\$395.00	\$219.00	\$27,234.00	\$375.00	\$26,995.00
Inspector Staffing Cost (1 Team Member)			Cost per Staff Member (First Year)	Continuing Education 12 hrs. Annually	Cost per Staff Member (Annually There-after)
Entry Wage	Training Course	Certification Testing			
\$35,431.22	\$395.00	\$219.00	\$36,045.22	\$375.00	\$35,806.22
Training & Educational Certification Costs		Training Course	Testing Cost ICC Certification Test	Continuing Education 12 hrs. Annually	
		\$395.00	\$219.00	\$375.00	

RECOMMENDED CHANGES TO DRAFT ORDINANCE

ESTABLISHMENT OF APPEALS PROCESS; METHODOLOGY TO ENSURE DUE PROCESS

The proposed ordinance sets forth an appeals process in Sec / Revocation of a permit (pg. 5). The ordinance states a 15-day limitation; however, the timeline differs from the timelines in the existing Property Maintenance Code. The Property Maintenance Code is an adopted code by County Ordinance, Chapter 6, Property Maintenance Code, Sections 106-Violation, 107-Notices, and 111-Means of Appeals. The Property Maintenance Code reads as follows:

MEANS OF APPEAL / [A] 111.1 Application for appeal.

Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the

day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

We recommend legal utilize the same verbiage of “20 days” this sections of the code states as a reference when they draft the appeals process for the ordinance. This would ensure consistency between the ordinance and code.

We recommend legal capture the below methodology for the appeals process to ensure due process.

1. The most important function of the appeals process should be to provide due process or fundamental fairness under the Property Maintenance Code and law.
2. The Appeals Process should concentrate on the correct interpretation and enforcement of the code.
3. Code Enforcement should identify violations directly referenced against the PM Code and proposed ordinance.
4. Code Enforcement personnel are accountable for following rules, procedures, and guidelines to ensure fairness and consistency in the execution of the ordinance’s intent.
5. The residing Building Official makes the code interpretation for violations.
6. The Appeals Process will make a ruling for the correctness of the interpretation and application of the code.

PURCHASE CONTRACT VERIFICATION

The proposed ordinance defines the Residential Rental Unit in its definition section. We believe this definition is to provide exemptions in certain situations as it pertains to applying for (a) residential rental permit(s). One such exemption requires the Zoning Administrator to verify all contracts for validity before an owner can use the exemption. The exception reads as follows:

“(2) Dwellings occupied by individuals who are under a written contract to purchase the residence after the contract has been reviewed for the validity of purchase by the County Attorney and the Zoning and Codes Administrator.”

Recommended ordinance verbiage:

Omit item (2)

Dwellings occupied by individuals who are under a written contract to purchase the residence after the contract has been reviewed for validity of purchase by the County Attorney and the Zoning and Codes Administrator;

However, Zoning staff would not need to review a contract for validity regarding the purchase to determine a use. Use can be determined absent of contractual information. The majority of other jurisdictions researched did not address properties that were under purchase contracts, like a rent-to-own. We recommend omitting any language requiring a contract verification from the proposed ordinance.

SEC / VIOLATIONS AND ASSIGNMENT OF VIOLATIONS



The proposed ordinance has outlined a point system for violations of the ordinance. Likewise, in the proposed ordinance, the offenses and point system amass to a “Serious Offense” category. Large amounts of points are assessed, and it becomes the multiplier for the monetary fee. Currently, the County does not have a system to track individual violation numbers. In speaking with the City of Columbia’s staff responsible for point tracking, it was concluded keeping track of a point system for 33,160 rental properties would be a monumental task requiring a considerable amount of time and manual labor. The existing TRAKiT system, which is used in the Building Inspections Permitting section for new construction inspections, can track the number of inspections. The TRAKiT software can track inspections with a pass/fail identification. A monetary fee to be set by County Council could be assessed for each failed inspection. The system would lock out issuance of annual renewal permit until all fees are paid for failed inspections. The workgroup recommend using the TRAKiT system already in place for new construction violations and tailor it to the Absentee Landlord Ordinance. The workgroup recommends amending the ordinance from using a point system to violation process as used in new construction permitting.

Recommended ordinance verbiage:

Sec. 13-61. Offenses and assignment of offenses.

- (a) For purposes of this ordinance, offenses shall include the violation of any federal, state, or local statute, law or ordinance.
- (b) Violations; warnings; Rental units where there are citations, warnings of violation and/or adjudication of guilt, finding of guilt with adjudication withheld, waiver of right to contest the violation, or pleas of no contest (including, but not limited to, payment of fine) of the following County ordinances:
 - 1. Animal control ordinances (Chapter 5);
 - 2. Solid waste ordinances (Chapter 12)
 - 3. Zoning Ordinances (Chapter 26)
 - 4. International Property Maintenance Code (Chapter 6)
 - 5. Law Enforcement (Chapter 10);
 - 6. Licenses, Permits and Miscellaneous Business Regulations (Chapter 16).
 - 7. Offenses/ Nuisances (Chapter 18)
- (c) Violations shall apply towards suspension of the rental permit for residential rental units as follows:
 - 1. Single household dwellings, townhouses, and boarding houses. Offenses that occur anywhere on the property whether committed by tenants or guests of tenants shall apply to the permitted dwelling unit.

2. Duplex:
 - a. Violations that occur within an individual unit shall apply to that unit.
 - b. Violations occurring outside of the units shall apply to the unit or units responsible as determined by the investigating party for the offense.
 - c. Violations committed by the Property Owner and/or Person in Charge shall be assigned to both units.
 - d. When a duplex is issued one permit at the request of the owner, any offense within any dwelling unit will apply to the duplex.
3. Multiple dwellings on a single property:
 - a. Violations that occur within an individual unit shall apply to that unit.
 - b. Violations occurring outside of the units may be assigned to the unit or units responsible as determined by the investigating party for the offense.
 - c. Violations committed by the Property Owner and/or Person in Charge shall be assigned to all units.

(d) After violations are assessed on an Absentee Landlord permit for a unit, the county staff or issuing division designee will send a written warning to the owner or agent. Each warning will specify which ordinance or ordinances have been violated and will state that further warnings or violations could lead to a revocation of the permit. Each warning will be sent by regular mail to the address of the owner or agent, as identified on the permit application, as well as a copy of the warning mailed to the property address of the subject property.

(e) A the following warning/fees will be assed for each violations;

1st Violation = Warning of Violation

2nd Violation = \$50

3rd Violation = \$75

All additional violations will remain at \$75; total accumulation of 5 violations within a 12 month period will result in possible renewal disapproval. Abatement of all fees are required prior to the renewal period.

SEC / REVOCATION OF PERMIT

The workgroup recommends the legal staff address this section and contact SCLLR to ensure the requirements for licensing of personnel where Building Codes are interpreted are fully vetted in the proposed ordinance. It is customary that the jurisdiction’s licensed building official is required to render all code interpretations and rulings that are outside an appeals board. Who provides these interpretations would be a concern in addressing the section “SEC/Denial of Permit, item (c-e).”



Recommended ordinance verbiage:

Sec. _____. Revocation of permit.

(a) Accumulation of five (5) or violations on a permit for a dwelling unit within 12 months shall subject the owner to proceedings to revoke the permit.

(b) Upon the accumulation of five (5) or more violations or failure to comply with the requirements of this article, the following procedure shall be followed:

1. The Code Enforcement Officer or designee shall cause to be served written notice to show cause why the permit should not be revoked. Service shall be deemed complete if personally delivered upon the owner or agent by any officer authorized by law to serve process or a duly appointed code enforcement officer of the county staff. The person serving process shall make proof of service within the time during which the person served must respond to the process. If service cannot be personally made within the County, then service may be made by notice posted on the property and mailed certified return receipt to the last known address of record.
2. The owner or agent shall have 20 days from the date of service to request a hearing to appeal the revocation of the permit. The request shall addressed to the County Building Official (TBD) by certified mail with return receipt requested. The request shall be sent to and recorded into the system by the county permitting office. If a hearing appeal is not received, the revocation shall take effect on the 21st day after the date of service to show cause.
3. Up on request for a hearing, the issuing code enforcement division or designee is authorized to schedule the appeal with the County Building Official (TBD) within the date of service calendar month.
4. Once the hearing is scheduled, the property should be posted to announce the hearing date to the general public.
5. In conducting the hearing, the (TBD) Building Official or designee shall have the power to administer oaths, issue subpoenas, compel the production of books, paper, and other documents, and receive evidence. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to the Building Official (TBD) recommended order, and to be represented by counsel or o their qualified representative. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The lack of actual knowledge of, acquiescence to, participation in, or responsibility for, a public nuisance at common law or a noxious use of private property on the part of the owner or agent shall not be a defense by such owner or agent.
6. If the Building Official (TBD) finds that the accumulation of five (5) or more points and the existence of a public nuisance at common law or noxious use of private property exist, then Building Official (TBD) shall prepare a recommended order.
7. If the (TBD) Building Official finds no public nuisance at common law or noxious use of private property exists, or that the owner has recovered possession of the dwelling unit, the (TBD) Building Official will prepare a

recommended order to dismiss the revocation action and recommend which points, if any, should be rescinded from the permit based upon the actions taken by the landlord to seek compliance with the County's ordinances.

8. The (TBD) Building Official recommended order shall consist of findings of fact, conclusions of law and recommended relief. The (TBD) Building Official or designee shall transmit the recommended order to the County Administrator and the owner or agent. The owner or agent shall have 20 days from the date of the hearing officer's order to submit written exceptions to the (TBD) Building Official recommended order. The County Administrator shall review such order and any written exceptions by the owner and may set forth any deficiencies he/she finds with respect to the order. Said deficiencies shall be limited to determinations that the findings were not based upon competent, substantial evidence, or that the proceedings on which the findings were based did not comply with the essential requirements of law. In reviewing such recommended order, the County Administrator or designee shall not have the power to receive or consider additional evidence and shall not have the power to reject or modify the findings of fact or conclusions of law contained in the recommended order. The County Administrator or designee may remand the recommended order along with the delineated deficiencies back to the Building Official or designee for consideration of the deficiencies. The Building Official shall address the deficiencies in an addendum to the recommended order. The County Administrator or designee shall then either: (a) adopt the recommended order and addendum, if applicable, in its entirety; or (b) adopt the findings of fact and conclusions of law in the recommended order and addendum, if applicable, and reject or modify the recommended relief. The action of the County Administrator shall be the final order of the County.
9. The County Administrator or designee shall provide notice of the final order within 5 days of the date of the final order.
10. If the permit is revoked under these procedures, the owner or agent shall have 5 days from the date of the final order to commence recovering possession of the rental unit. If the tenants do not voluntarily agree to vacate the premises, the owner or agent shall diligently pursue the process of eviction to completion. The owner or agent shall provide copies of all documents provided to the tenants or filed with the court concerning the eviction process to the County Administrator or designee. If the owner collects any rent from the tenants following the revocation of the permit, fails to comply with these provisions, or fails to abide with the final order of the County, the County may seek criminal relief by citing the owner for violation of section ____ (rental permit required), or seek other available legal or equitable relief.
11. In addition to the above-described procedures, the County Attorney is authorized to file for injunctive relief to abate the public nuisance at common law or noxious use of private property pursuant to law.
12. The final order of the County is subject to certiorari review in a court of competent Jurisdiction in Richland or Lexington County, South Carolina.

SEC / PERMIT FEE

The draft ordinance sets an annual permit fee of \$25. This fee appears to be in line with the intent to have the price to cover only the administrative and inspection costs. In our research of other jurisdictions, permit fees range from \$25-\$100. The chart below is a quick view of the estimated cost for the administrative and inspection labor to issue and track

the permits. When determining the permit fee, it is important to factor in that there are multiple county divisions involved in the permitting process, and there is potential for multiple visits to the property by staff before the property is actually approved for the rental permit. Any additional staff visits would, in turn, increase the actual costs for the permit.

Permit Application Estimated Administrative Cost (Based of minimum pay rate for the position)		Estimated Permit Fee / Cost		
Administrative Application Processing Time	Inspector Inspection Processing Time			
15-20 Minutes	40 Minutes			
Administrative Estimate Labor Cost (\$13.61 hourly x each functional areas review time)	Initial Inspection Estimate Labor Cost (\$18.17 hourly)			
\$4.54 x 7 = \$31.78	\$12.13		\$43.91	

Additional incurred costs will be the costs associated with driving vehicles to and from the property, repeat travel for re-inspections, and inspection labor for repeat inspections. The initial fees often cover none of these.

The workgroup recommends the permit application fee be set no lower than \$50 to cover the labor costs associated with the permitting process, to include the initial property inspection. We recommend an additional fee should be added if the initial property inspection requires two return inspections for initial permit approval.

The workgroup recommends a non-compliance fee be set at \$500 for each year the property fails to apply for the mandated rental permit. The amount is in keeping with the County Ordinance verbiage for violation of County Ordinances. (Sec. 1-8. General penalty, continuing violations.)

Recommended ordinance verbiage:

Sec. _____. Permit fee.

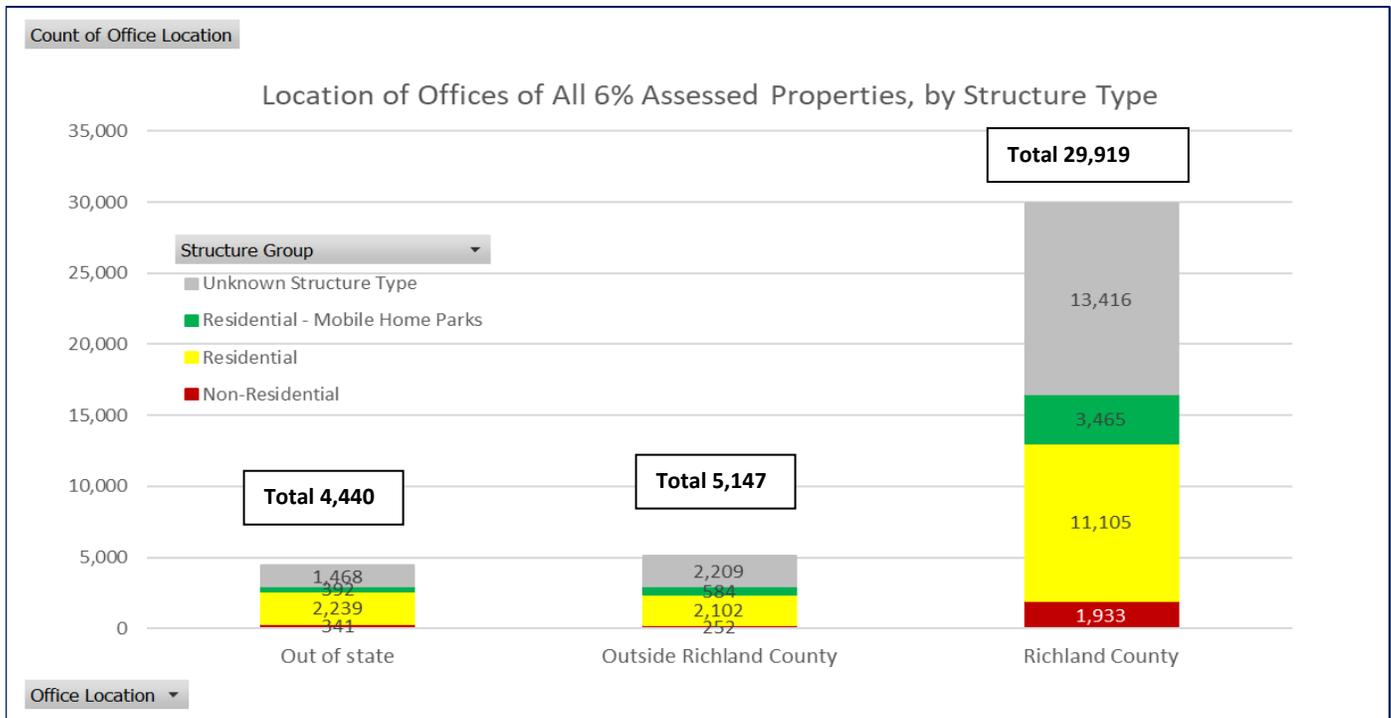
- (a) The annual permit fee shall be \$50.00 for each permit.
- (b) An inspection fee of \$50.00 shall be included in the permit fee for properties that fail to pass inspection after the second inspection.
- (c) All required fees shall be paid before a rental permit is issued, including any past due fees assessed for work abated by the County.

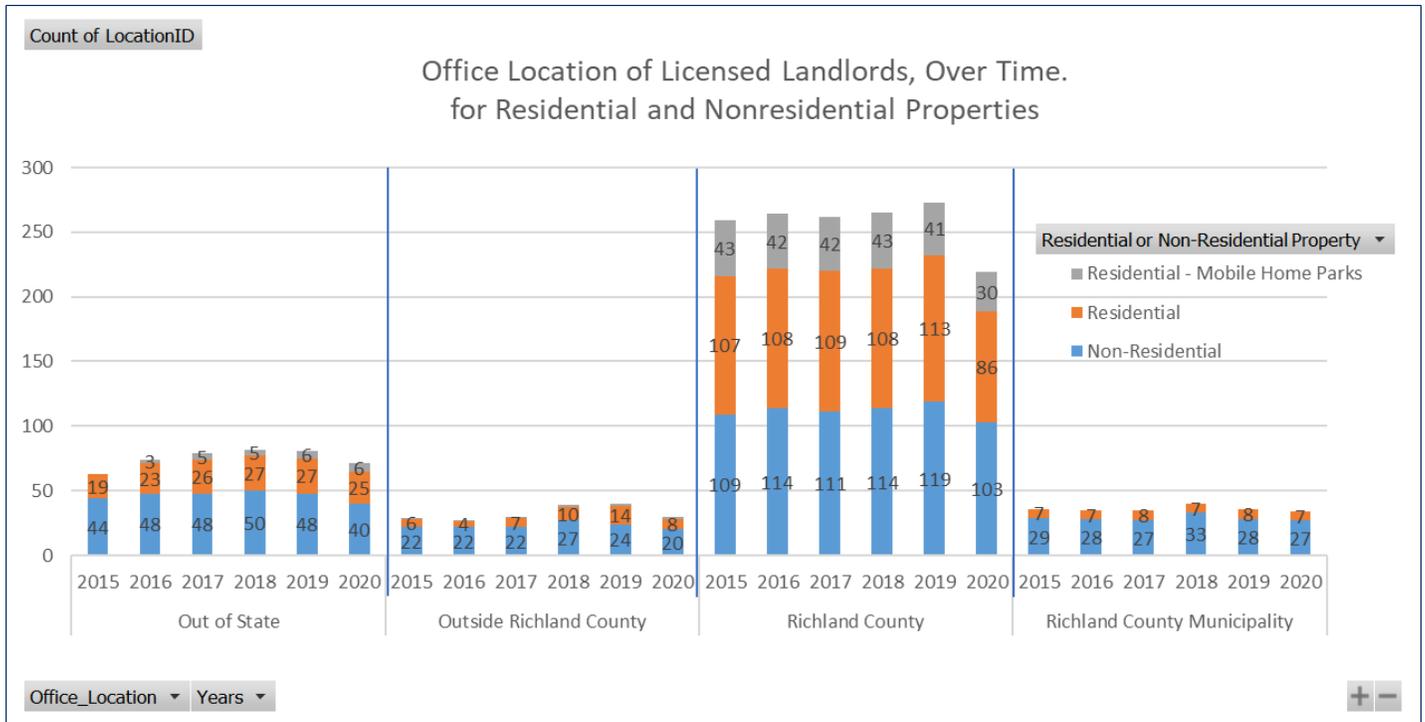
(d) Upon determination that a rental property owner has failed to obtain a rental permit, a permit fee shall be assessed at \$500.00 for each year the unpermitted occupancy has occurred.

MODIFICATION OF 45-MILE RANGE

The ordinance refers to a 45-mile range in two different ways. In the Responsible Local Representative section, it reads, “having his or her place of residence or business office within 45-miles of the rental property,” etc. Later, in the application and property owner section, it reads, “person, firm, or corporation who does not either reside in nor have an office within a 45-mile radius of Richland County,” etc. This language needs to be consistent throughout the ordinance. Our research of other jurisdictions with a mileage restriction (City of Columbia), the mileage restriction is to have a responsible party nearby for addressing violations, the ability to issue a summons, and quickly respond to a maintenance issue that arises. In Richland County, the landlords that are licensed through the business office mostly operate from within the county boundaries.

The Business License data stated in the below charts demonstrates the most significant volume of landlords already operate inside the county.





In a different jurisdiction (outside of South Carolina), San Antonio, Texas, the ordinance does not define a mileage restriction but simply requires the owner or local responsible agent reside within the county’s boundaries. No mileage restriction eliminates permitting staff from trying to determine what would or would not fall within a mileage restriction, such as a 45-mile radius from the property or County’s lines.

The workgroup recommends leaving the 45-mile radius restriction, but amend it to include the verbiage “and within Richland County and/or a contiguous County. Stating the verbiage, “residing 45-mile radius and within Richland County and/or a contiguous County”, provides some leniency for property owners that still live in the county and allow them to manage their property because they do reside in the county limits. It also considers those owners living close proximity in our neighboring counties. Staff would use google mapping when determining the distance between the rental property and the owner/representative’s location. This would bring a standardized tool for determining distance.

Recommended ordinance verbiage:

Sec. ____ . Application.

Applications for a permit to operate residential rental units and for renewal thereof shall be on a form provided by Richland County. Such form shall set forth the owner's name, address, and telephone number, the residential rental unit address, the name of the person, firm, or corporation located within a 45-mile radius of the rental and within Richland County and/or a contiguous County responsible for the care and maintenance of the building and additional information as outlined on the application for rental housing. Multiple permits can be requested on one application when there are multiple units owned/managed by the same person or owner.

Sec. ____ . Property owner, responsible local representative, and occupant.

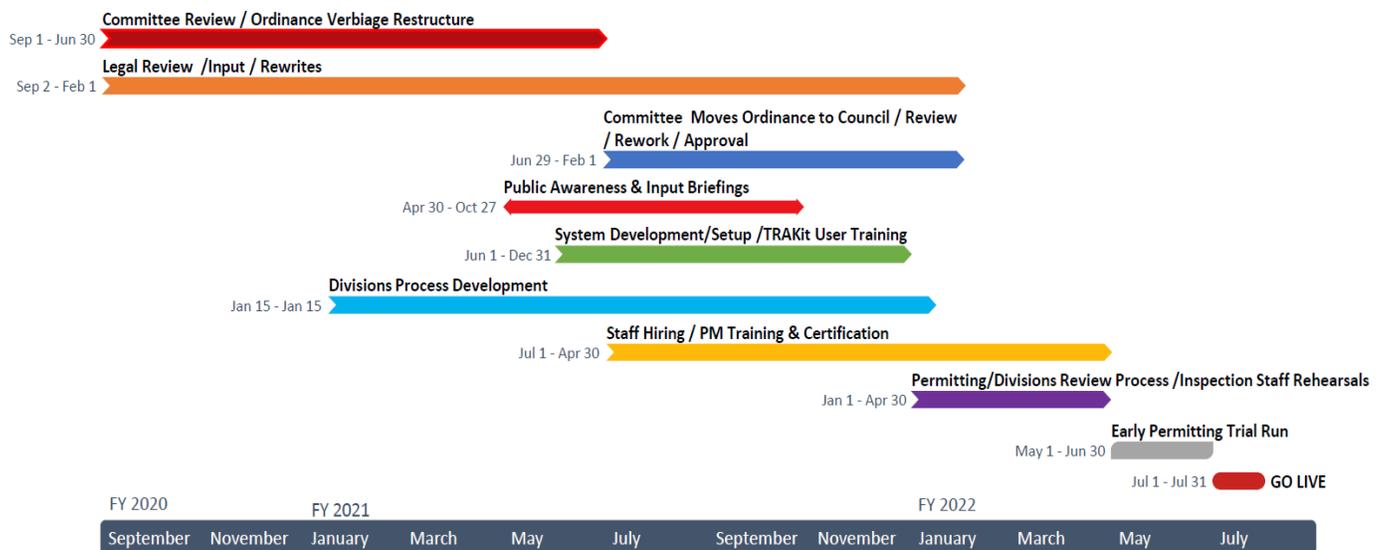
A permit will not be issued or renewed to a person, firm, or corporation who resides more than a 45-mile radius of the rental and within Richland County and/or a contiguous County ~~property and outside of Richland County~~, unless a Responsible Local Representative is designated that resides within the distance limitations stated above. The Responsible Local Representative may be a Professional Management Company. The Permitting Office shall be notified in writing if there is a change of owner or Responsible Local Representative within 14 days of the change

ORDINANCE IMPLEMENTATION

Implementation of the Absentee Landlord Ordinance will be an intense undertaking if moved forward to the council for approval. The staff workgroup is recommending expanding the review process time to allow key county stakeholders to the opportunity to determine their role and processes in the execution of the ordinance. Divisions would further research best practices while developing their processes. Other factors to be considered before final approval and implementation are: hiring & training new staff, system development and user training, public awareness briefings, and overall processing & inspection rehearsals. Additionally, based on the estimated cost of creating and implementing the proposed ordinance at over \$600,000, the staff workgroup recommends this timeline, which ensures the ordinance has been developed and researched thoroughly. It also provides the time needed for the education of the stakeholders, and represents very clearly the proposed programs' benefits to constituents and the overall county community. The staff workgroup recommends an 18 months implementation period at minimum. (Please refer to timeline below.)

Absentee Landlord Ordinance

(18 MONTHS PROPOSED/DRAFT TIMELINE)



The information provided in this document supports the staff’s recommendations for revisions to the currently proposed draft ordinance sections. The workgroup feels implementing the recommendations and recommended revisions to the Draft Absentee Landlord Rental Ordinance, and the overall ordinance implementation process, will support the best practices concept for the Richland County citizens owning rental properties and their “buy-in” to an Absentee Landlord Ordinance.





Draft Absentee Landlord Ordinance

Attachment 1 / Section: Omitting contract reviews

Current Draft Ordinance Verbiage

Residential rental unit means that portion of a dwelling for which payment or other consideration, including performance of general maintenance, payment of utilities or other fees, or similar in-kind services, is being made to an owner, agent, or manager for the use and occupancy of that portion as a living facility. For purposes of this article, the term “rental unit” is limited to single-household dwellings, townhouses, and multi-unit structures used for residential purposes. Whenever the words rental unit are stated in this Code, they shall be construed as though they were followed by the words “or any part thereof”. Exceptions shall be the following:

- (1) Dwellings occupied for residency for over 120 days by employees of that organization which are owned by a firm, corporation, religious organization or another incorporated organization;
- (2) Dwellings occupied by individuals who are under a written contract to purchase the residence after the contract has been reviewed for validity of purchase by the County Attorney and the Zoning and Codes Administrator; or
- (3) Dwellings owned and operated by the United States of America, the State of South Carolina, or any agency thereof, including the Housing Authority of the Richland County, or any institution of higher learning which operates housing for its faculty, staff, or students.

Recommended Draft Ordinance Verbiage

Omit item (2)

Dwellings occupied by individuals who are under a written contract to purchase the residence after the contract has been reviewed for validity of purchase by the County Attorney and the Zoning and Codes Administrator; or





Draft Absentee Landlord Ordinance

Attachment 2 / Section: Violations and assignment of violations.

Current Draft Verbiage:

Sec. ____. Violations and assignment of violations.

- (a) For purposes of this section, violations shall include citations for any federal, state, or local ordinance.
- (b) Violations; warnings; points. Rental units where there are citations, warnings of violation and/or adjudication of guilt, finding of guilt with adjudication withheld, waiver of right to contest the violation, or pleas of no contest (including, but not limited to, payment of fine) of the following County ordinances:
 - 1. Nuisance ordinances (Chapter 8);
 - 2. Animal control ordinances (Chapter 4);
 - 3. Solid waste ordinances (Chapter 19)
 - 4. Zoning Ordinances (Chapter 17);
 - 5. International Property Maintenance Code (Chapter 1, section 106 ____)
 - 6. Law Enforcement (Chapter 10); or,
 - 7. Licenses, Permits and Miscellaneous Business Regulations (Chapter 11).
 - 8. Licenses, Permits and Miscellaneous Business Regulations (Chapter 16).
- (c) Violations shall apply as points towards revocation of the rental permit for residential rental units as follows:
 - (1) Single-household dwellings and townhouses. Violations that occur anywhere on the premises shall apply to the permitted dwelling unit.
 - (2) Multi-unit structures.
 - a. Violations that occur within an individual unit shall apply to that unit.
 - b. Violations occurring outside of the units shall be assigned to the unit responsible as determined by the investigating party for the offense.
 - c. Violations committed by the property owner and/or Responsible Local Representative shall be assigned to all units.
- (d) In the event a citation or violation takes place at a unit regulated by this article, such citation shall be grounds for the accumulation of points as follows:
 - (1) For one or more written warnings given in any 24-hour period for violation of one or more of the ordinances listed above, points will be assessed on the landlord permit for that unit in accordance with this section :



- a. First Offense - One point will be assessed for the first occurrence of citation, violation or offense.
 - b. Second Offense - Two points will be assessed for a second occurrence of the same citation, violation or offense with in the same permit year.
 - c. Third Offense or Each Offense Thereafter - Five points will be assessed for a third occurrence and each occurrence thereafter of the same citation, violation or offense within the same permit year.
 - d. Serious Offense - Ten points will be assessed for any serious violation or offense that could result in serious bodily injury or death to occupants as determined by the LE-TBD.
- (2) After points are assessed on a landlord permit for a unit, the LE-TBD or designee will send a written warning to the owner or agent. Each warning will specify which ordinance or ordinances have been violated and will state that further warnings or violations could lead to a revocation of the permit. Each warning will be sent by regular mail to the address of the owner or agent, as identified on the permit application, as well as a copy of the warning mailed to the property address of the subject property.
- (3) A fee of \$100 will be assessed per point for each point accumulated beyond five points due upon any renewal of the permit.
- (4) If a person is found not guilty, or the case against them for a violation is dismissed, then the point shall be removed from the permit as if it had not been assessed.

Recommended Draft Verbiage:

Sec. 13-61. Offenses and assignment of offenses.

- (a) For purposes of this ordinance, offenses shall include the violation of any federal, state, or local statute, law or ordinance.
- (b) Violations; warnings; Rental units where there are citations, warnings of violation and/or adjudication of guilt, finding of guilt with adjudication withheld, waiver of right to contest the violation, or pleas of no contest (including, but not limited to, payment of fine) of the following County ordinances:
- 1. Animal control ordinances (Chapter 5);
 - 2. Solid waste ordinances (Chapter 12)
 - 3. Zoning Ordinances (Chapter ?);
 - 4. International Property Maintenance Code (Chapter 6)
 - 5. Law Enforcement (Chapter 10);
 - 6. Licenses, Permits and Miscellaneous Business Regulations (Chapter 16).
- (c) Violations shall apply towards suspension of the rental permit for residential rental units as follows:
- i.
 - 1. Single household dwellings, townhouses, and boarding houses. Offenses that occur anywhere on the property whether committed by tenants or guests of tenants shall apply to the permitted dwelling unit.

2. Duplex:
 - a. Violations that occur within an individual unit shall apply to that unit.
 - b. Violations occurring outside of the units shall apply to the unit or units responsible as determined by the investigating party for the offense.
 - c. Violations committed by the Property Owner and/or Person in Charge shall be assigned to both units.
 - d. When a duplex is issued one permit at the request of the owner, any offense within any dwelling unit will apply to the duplex.
3. Multiple dwellings on a single property:
 - a. Violations that occur within an individual unit shall apply to that unit.
 - b. Violations occurring outside of the units may be assigned to the unit or units responsible as determined by the investigating party for the offense.
 - c. Violations committed by the Property Owner and/or Person in Charge shall be assigned to all units.

(d) After violations are assessed on an Absentee Landlord permit for a unit, the county staff or issuing division designee will send a written warning to the owner or agent. Each warning will specify which ordinance or ordinances have been violated and will state that further warnings or violations could lead to a revocation of the permit. Each warning will be sent by regular mail to the address of the owner or agent, as identified on the permit application, as well as a copy of the warning mailed to the property address of the subject property.

(e) A the following warning/fees will be assed for each violations;

➤ 1st Violation = Warning of Violation

➤ 2nd Violation = \$50

➤ 3rd Violation = \$75

➤ All additional violations will remain at \$75; total accumulation of 5 violations within a 12 month period will result in possible renewal disapproval. Abatement of all fees are required prior to the renewal period.





Draft Absentee Landlord Ordinance

Attachment 3 / Section: Issuance or refusal of rental permit

Sec. _____. Issuance or refusal of rental permit.

Current Draft Verbiage:

The Richland County shall issue a rental permit for rental housing to the applicant upon proof of the following:

1. The property has either passed the rental housing inspection or the owner has submitted a certification that the subject property complies with the minimum code; and,
2. All fees have been paid as required by Section ____ of the rental-housing ordinance.

Recommended Draft Verbiage:

The Richland County shall issue a Rental Permit for rental housing to the applicant upon proof of the following:

1. The property has passed the rental housing inspection;
2. All fees have been paid as required by Section ____ of the Rental Housing Ordinance;
3. As it relates to the Rental Housing Permit the property is not under suspension, under consideration for suspension or within a suspension appeal period;
4. Satisfactory completion of the County's Application for Rental Property Permit and
5. If within Rental Housing Permit suspension period all terms set forth by County Council in accordance with Section ____ must be complied with.



Draft Absentee Landlord Ordinance

Attachment 4 / Section: Revocation of permit

Current Draft Verbiage

Sec. _____. Revocation of permit.

- (a) Accumulation of **fifteen (15)** or more points on a permit for a dwelling unit within 12 months shall constitute subject the owner to proceedings to revoke the permit.
- (b) Upon the accumulation of **fifteen (15)** or more points or failure to comply with the requirements of this article, the following procedure shall be followed:
 - (1) The **LE-TBD** or designee shall cause to be served written notice to show cause why the permit should not be revoked. Service shall be deemed complete if personally delivered upon the owner or agent by any officer authorized by law to serve process or a duly appointed law enforcement officer of the **LE-TBD**. The person serving process shall make proof of service within the time during which the person served must respond to the process. If service cannot be personally made within the County, then service may be made by notice posted on the property and mailed certified return receipt to the last known address of record.
 - (2) The owner or agent shall have **15 days** from the date of service to request a hearing to appeal the revocation of the permit. The request shall be sent to the LE-TBD by certified mail, return receipt requested. If such request is not timely made, the revocation shall take effect on the 21st day after the date of service to show cause.
 - (3) Up on request for a hearing, the **LE-TBD** or designee is authorized to schedule the appeal with the Board TBD (BTBD) at the next regularly scheduled meeting or special called meeting by the Board.
 - (4) Once the hearing is scheduled, the property should be posted to announce the hearing date to the general public.
 - (5) In conducting the hearing, the BTBD shall have the power to administer oaths, issue subpoenas, compel the production of books, paper, and other documents, and receive evidence. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to the **BTBD's** recommended order, and to be represented by counsel or o their qualified representative. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The lack of actual knowledge of, acquiescence to, participation in, or responsibility for, a public nuisance at common law or a noxious use of private property on the part of the owner or agent shall not be a defense by such owner or agent.
 - (6) If the BTBD finds that the accumulation of **fifteen (15)** or more points and the existence of a public nuisance at common law or noxious use of private property exist, then BTBD shall prepare a recommended order.
 - (7) If the BTBD finds no public nuisance at common law or noxious u se of private property exists, or that the owner has recovered possession of the dwelling unit, the **BTBD** will prepare a recommended order to dismiss the revocation action and recommend which points, if any, should be rescinded from the permit based upon the actions taken by the landlord to seek compliance with the County's ordinances.

- (8) The BTBD's recommended order shall consist of findings of fact, conclusions of law and recommended relief. The LE-TBD or designee shall transmit the recommended order to the County Administrator and the owner or agent. The owner or agent shall have 15 days from the date of the hearing officer's order to submit written exceptions to the BTBD's recommended order. The County Administrator shall review such order and any written exceptions by the owner and may set forth any deficiencies he/she finds with respect to the order. Said deficiencies shall be limited to determinations that the findings were not based upon competent, substantial evidence, or that the proceedings on which the findings were based did not comply with the essential requirements of law. In reviewing such recommended order, the County Administrator shall not have the power to receive or consider additional evidence and shall not have the power to reject or modify the findings of fact or conclusions of law contained in the recommended order. The County Administrator may remand the recommended order along with the delineated deficiencies back to the BTBD for consideration of the deficiencies. The BTBD shall address the deficiencies in an addendum to the recommended order. The County Administrator shall then either: (a) adopt the recommended order and addendum, if applicable, in its entirety; or (b) adopt the findings of fact and conclusions of law in the recommended order and addendum, if applicable, and reject or modify the recommended relief. The action of the County Administrator shall be the final order of the County.
- (9) The County Administrator or designee shall provide notice of the final order within 5 days of the date of the final order.
- (10) If the permit is revoked under these procedures, the owner or agent shall have 5 days from the date of the final order to commence recovering possession of the rental unit. If the tenants do not voluntarily agree to vacate the premises, the owner or agent shall diligently pursue the process of eviction to completion. The owner or agent shall provide copies of all documents provided to the tenants or filed with the court concerning the eviction process to the County Administrator or designee. If the owner collects any rent from the tenants following the revocation of the permit, fails to comply with these provisions, or fails to abide with the final order of the County, the County may seek criminal relief by citing the owner for violation of section ____ (rental permit required), or seek other available legal or equitable relief.
- (11) In addition to the above-described procedures, the County Attorney is authorized to file for injunctive relief to abate the public nuisance at common law or noxious use of private property pursuant to law.
- (12) The final order of the County is subject to certiorari review in a court of competent Jurisdiction in Richland or Lexington County, South Carolina.

Recommended Daft Verbiage:

Sec. ____ . Revocation of permit.

- (a) Accumulation of five (5) or violations on a permit for a dwelling unit within 12 months shall constitute subject the owner to proceedings to revoke the permit.
- (b) Upon the accumulation of five (5) or more violations or failure to comply with the requirements of this article, the following procedure shall be followed:
1. The Code Enforcement or designee shall cause to be served written notice to show cause why the permit should not be revoked. Service shall be deemed complete if personally delivered upon the owner or agent by any officer authorized by law to serve process or a duly appointed code enforcement officer of the county staff. The person serving process shall make proof of service within the time during which the person served must

respond to the process. If service cannot be personally made within the County, then service may be made by notice posted on the property and mailed certified return receipt to the last known address of record.

2. The owner or agent shall have 20 days from the date of service to request a hearing to appeal the revocation of the permit. The request shall be addressed to the County Building Official (TBD) by certified mail with return receipt requested. The request shall be sent to and recorded into the system by the county permitting office. If a hearing appeal is not received, the revocation shall take effect on the 21st day after the date of service to show cause.
3. Upon request for a hearing, the issuing code enforcement division or designee is authorized to schedule the appeal with the County Building Official (TBD) within the date of service calendar month.
4. Once the hearing is scheduled, the property should be posted to announce the hearing date to the general public.
5. In conducting the hearing, the (TBD) Building Official or designee shall have the power to administer oaths, issue subpoenas, compel the production of books, paper, and other documents, and receive evidence. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to the Building Official (TBD) recommended order, and to be represented by counsel or their qualified representative. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The lack of actual knowledge of, acquiescence to, participation in, or responsibility for, a public nuisance at common law or a noxious use of private property on the part of the owner or agent shall not be a defense by such owner or agent.
6. If the Building Official (TBD) finds that the accumulation of five (5) or more points and the existence of a public nuisance at common law or noxious use of private property exist, then Building Official (TBD) shall prepare a recommended order.
7. If the (TBD) Building Official finds no public nuisance at common law or noxious use of private property exists, or that the owner has recovered possession of the dwelling unit, the (TBD) Building Official will prepare a recommended order to dismiss the revocation action and recommend which points, if any, should be rescinded from the permit based upon the actions taken by the landlord to seek compliance with the County's ordinances.
8. The (TBD) Building Official recommended order shall consist of findings of fact, conclusions of law and recommended relief. The (TBD) Building Official or designee shall transmit the recommended order to the County Administrator and the owner or agent. The owner or agent shall have 20 days from the date of the hearing officer's order to submit written exceptions to the (TBD) Building Official recommended order. The County Administrator shall review such order and any written exceptions by the owner and may set forth any deficiencies he/she finds with respect to the order. Said deficiencies shall be limited to determinations that the findings were not based upon competent, substantial evidence, or that the proceedings on which the findings were based did not comply with the essential requirements of law. In reviewing such recommended order, the County Administrator or designee shall not have the power to receive or consider additional evidence and shall not have the power to reject or modify the findings of fact or conclusions of law contained in the recommended order. The County Administrator or designee may remand the recommended order along with the delineated deficiencies back to the Building Official or designee for consideration of the deficiencies. The Building Official shall address the deficiencies in an addendum to the recommended order. The County Administrator or designee shall then either: (a) adopt the recommended order and addendum, if applicable, in



its entirety; or (b) adopt the findings of fact and conclusions of law in the recommended order and addendum, if applicable, and reject or modify the recommended relief. The action of the County Administrator shall be the final order of the County.

9. The County Administrator or designee shall provide notice of the final order within 5 days of the date of the final order.
10. If the permit is revoked under these procedures, the owner or agent shall have 5 days from the date of the final order to commence recovering possession of the rental unit. If the tenants do not voluntarily agree to vacate the premises, the owner or agent shall diligently pursue the process of eviction to completion. The owner or agent shall provide copies of all documents provided to the tenants or filed with the court concerning the eviction process to the County Administrator or designee. If the owner collects any rent from the tenants following the revocation of the permit, fails to comply with these provisions, or fails to abide with the final order of the County, the County may seek criminal relief by citing the owner for violation of section ____ (rental permit required), or seek other available legal or equitable relief.
11. In addition to the above-described procedures, the County Attorney is authorized to file for injunctive relief to abate the public nuisance at common law or noxious use of private property pursuant to law.
12. The final order of the County is subject to certiorari review in a court of competent Jurisdiction in Richland or Lexington County, South Carolina.





Draft Absentee Landlord Ordinance

Attachment 5 / Section: Denial of Permit

Current Draft Ordinance Verbiage

Sec. ____ . Denial of permit.

- (a) The **LE-TBD** or designee may deny issuance of any permits applied for under this section if it is determined either that the owner or agent has made material misrepresentations about the condition of his/her property or status of ownership, or that the occupancy of the property is in violation of the International Property Maintenance Code or County Ordinances or that the owner has otherwise violated a provision of this article.
- (b) If the **LE-TBD** or designee determines there is reasonable cause to believe that there are grounds to deny a permit applied for the **LE-TBD** or designee shall provide notice of the denial, including the grounds for the denial.
- (c) Within **15 days** of the date of the notice, the owner may request in writing to the LE-TBD a hearing on the denial. The **LE-TBD** or designee shall schedule the hearing to occur within 15 days after receiving the request for hearing and shall notify the owner at least 5 days in advance of the time and location for the hearing. The hearing may be postponed if mutually agreed upon
- (d) The hearing shall be conducted informally and adherence to the rules of evidence normally followed by the courts shall not be required. Any person may present testimony, documents or other evidence as deemed relevant by the County Administrator or designee. Any person may be represented by counsel.
- (e) The **LE-TBD** or designee shall consider all evidence presented, and if the preponderance of the evidence supports the allegation of violation the permit shall be denied. If the preponderance of the evidence does not support the allegation of violation, the permit shall be issued. The decision of the LE-TBD or designee may be appealed by a writ of certiorari to a court of competent jurisdiction in Richland County or Lexington County, South Carolina.
- (f) The **LE-TBD** or designee may waive the denial requirement as to any permit if it is determined that the owner has attempted in good faith to comply with this article. In determining asserted good faith as required for a waiver, the **LE-TBD** or designee may consider, but not be limited to, the owner response to current violations and remedy of past violations.
- (g) If a permit is denied under this section, the owner whose permit was denied shall not be issued another permit on the same dwelling unit for a period of 6 months after the date of denial.



Recommended Draft Ordinance Verbiage

c. _____. Denial of permit.

- (a) The **Building Official** or designee may deny issuance of any permits applied for under this section if it is determined either that the owner or agent has made material misrepresentations about the condition of his/her property or status of ownership, or that the occupancy of the property is in violation of the International Property Maintenance Code or County Ordinances or that the owner has otherwise violated a provision of this article.
- (b) If the **Building Official** or designee determines there is reasonable cause to believe that there are grounds to deny a permit applied for the Building Official or designee shall provide notice of the denial, including the grounds for the denial.
- (c) **Within 20** days of the date of the notice, the owner may request in writing to the Building Official a hearing on the denial. The Building Official or designee shall schedule the hearing to occur **within 20 days** after receiving the request for hearing and shall notify the owner at least 5 days in advance of the time and location for the hearing. The hearing may be postponed if mutually agreed upon
- (d) The hearing shall be conducted informally and adherence to the rules of evidence normally followed by the courts shall not be required. Any person may present testimony, documents or other evidence as deemed relevant by the **Building Official** or designee. Any person may be represented by counsel.
- (e) **The Building Official** or designee shall consider all evidence presented, and if the preponderance of the evidence supports the allegation of violation the permit shall be denied. If the preponderance of the evidence does not support the allegation of violation, the permit shall be issued. The decision of the Building Official or designee may be appealed by a writ of certiorari to a court of competent jurisdiction in Richland County or Lexington County, South Carolina.
- (f) The **Building Official** or designee may waive the denial requirement as to any permit if it is determined that the owner has attempted in good faith to comply with this article. In determining asserted good faith as required for a waiver, the **Building Official** or designee may consider, but not be limited to, the owner response to current violations and remedy of past violations.
- (g) If a permit is denied under this section, the owner whose permit was denied shall not be issued another permit on the same dwelling unit for a period of 6 months after the date of denial.



Draft Absentee Landlord Ordinance

Attachment 6 / Section: Denial of Permit

Current Draft Ordinance Verbiage

Sec. _____. Permit fee.

- (a) The annual permit fee shall be \$25.00 for each permit, unless: (1) the applicant is a professional management company applying on behalf of an owner as a Responsible Local Party; or (2) the applicant is licensed by the Richland County through the Business License Office to conduct the business of being a Landlord.
- (b) Upon determination that a rental property owner has failed to obtain a rental housing permit, a permit fee shall be assessed at \$400.00 for each year the unpermitted occupancy has occurred.
- (c) An inspection fee of \$50.00 shall be included in the permit fee for properties that fail to pass inspection after the second inspection.
- (d) All required fees shall be paid before a rental permit is issued, including any past due fees assessed for work abated by the County.

Recommended Draft Ordinance Verbiage

Sec. _____. Permit fee.

- (a) The annual permit fee shall be \$50.00 for each permit.
- (b) An inspection fee of \$50.00 shall be included in the permit fee for properties that fail to pass inspection after the second inspection.
- (c) All required fees shall be paid before a rental permit is issued, including any past due fees assessed for work abated by the County.
- (d) Upon determination that a rental property owner has failed to obtain a rental permit, a permit fee shall be assessed at \$500.00 for each year the unpermitted occupancy has occurred.





Draft Absentee Landlord Ordinance

Attachment 7 / Section: Remediation Plan

Current Draft Ordinance Verbiage

Sec. _____. Remediation plan.

Whenever points are assessed to a permit, the responsible party may establish a remediation plan with the County that outlines actions to be taken to remedy the violation of County Ordinances. The plan must be approved by the LE-TBD or his designee and include a timeline for implementation. Once the remediation plan is approved, the points against the permit will be suspended during the term of the remediation. When the remediation is completed successfully as agreed the points assessed prior to remediation will be removed. If the permit holder fails to adhere to the remediation plan, the plan will be withdrawn by the County and the points will be reassessed.

Recommended Draft Ordinance Verbiage

Sec. _____. Remediation plan.

Delete Section: if draft ordinance moves towards deleting point system.





Absentee Landlord Ordinance

Attachment 8 / Section: Required 45-mile limitation.

Current Draft Verbiage

Sec. ____ . Application.

Applications for a permit to operate residential rental units and for renewal thereof shall be on a form provided by Richland County. Such form shall set forth the owner's name, address, and telephone number, the residential rental unit address, the name of the person, firm, or corporation **located within a 45-mile radius** of Richland County responsible for the care and maintenance of the building and additional information as outlined on the application for rental housing. Multiple permits can be requested on one application when there are multiple units owned/managed by the same person or owner.

Sec. ____ . Property owner, responsible local representative, and occupant.

A permit will not be issued or renewed to a person, firm, or corporation who does not either reside in nor have an **office within a 45-mile radius** of Richland County, unless a Responsible Local Representative is designated. The Responsible Local Representative may be a Professional Management Company. The zoning and codes administrator shall be notified in writing if there is a change of owner or Responsible Local Representative within 14 days of the change

Recommended Draft Verbiage

Sec. ____ . Application.

Applications for a permit to operate residential rental units and for renewal thereof shall be on a form provided by Richland County. Such form shall set forth the owner's name, address, and telephone number, the residential rental unit address, the name of the person, firm, or corporation **located within a 45-mile radius of the rental property and outside** of the county of Richland County responsible for the care and maintenance of the building and additional information as outlined on the application for rental housing. Multiple permits can be requested on one application when there are multiple units owned/managed by the same person or owner.

Sec. ____ . Property owner, responsible local representative, and occupant.

A permit will not be issued or renewed to a person, firm, or corporation who resides more than a **45-mile radius of the rental property and outside of** Richland County, unless a Responsible Local Representative is designated that resides within the distance limitations stated above. The Responsible Local Representative may be a Professional Management Company. The Permitting Office shall be notified in writing if there is a change of owner or Responsible Local Representative within 14 days of the change





Business Service Center

Absentee Landlord Issues Briefing: Addendum

Questions

- 1) Financial impact to County revenues unlicensed residential landlords become licensed.
It is assumed (1) that the exact number of landlords renting two or more residential properties is known and (2) that 100% compliance among all residential landlords is obtainable.
- 2) Potential method to identify all residential landlords owning more than 2 residential properties, and the logistics and costs associated with implementing this method.
 - a. Provided is a short paragraph about this as an option,
 - b. What its associated costs would be (i.e., printing, mailing, etc.)
 - c. Determining how many letters would need to be mailed: run a pivot table to find out which owners have more than 2 residential properties, to see how many we're talking about.

Question 1: Data Serving as Foundation for Analysis

- 1. Financial impact to County revenues
 - # of residential landlords with Richland County 2020 business licenses: 127
 - % of residential landlords located outside of Richland County: 26%
 - Business license revenues generated by these licensed residential landlords: \$249,055
 - Revenue Distribution of Currently Licensed Residential Landlords: see chart below

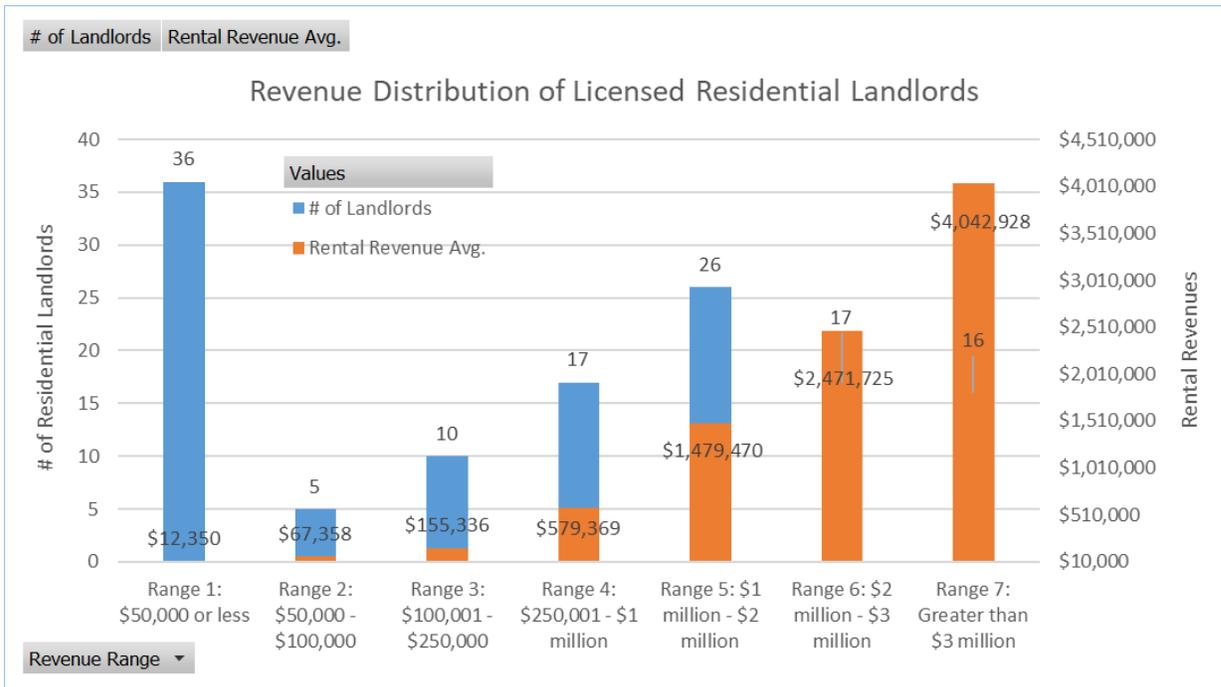


Figure 1

of residential landlords with more than two 6% residential properties:

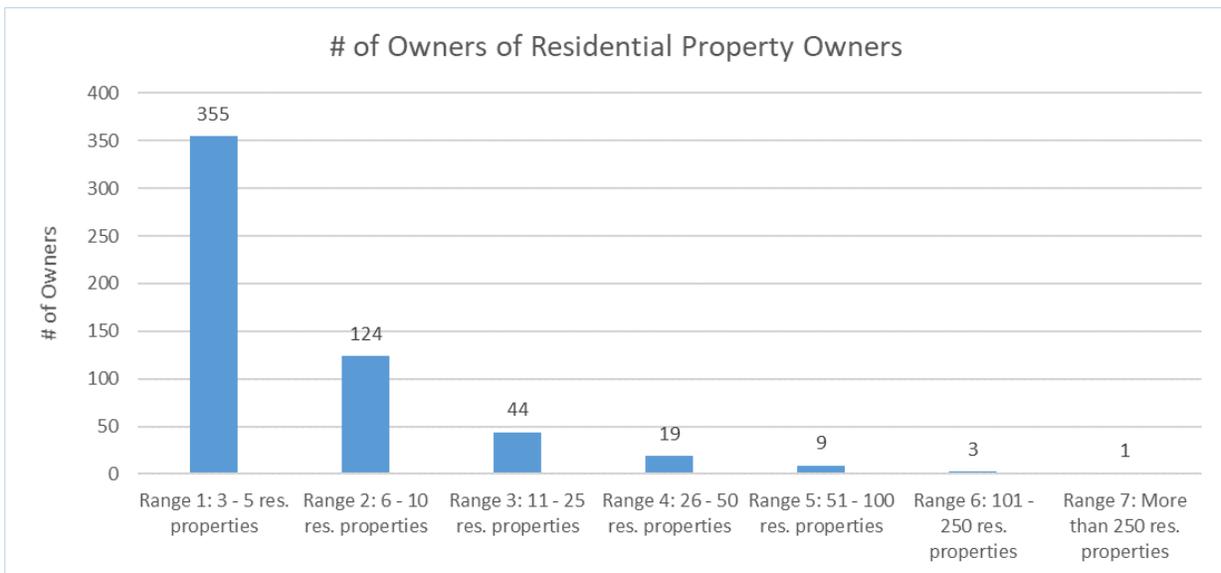


Figure 2

Analysis

In order to estimate the potential additional business revenue generated if *all* residential landlords were licensed as required, the revenues of all landlords must be estimated. There are several methods to estimate this collective revenue, and each method has its own assumptions and inherent unknown variables. Two methods are included in this analysis, whose differences in results will emphasize just how rough of an estimate this collective revenue is and should therefore be considered as a “general possibility” only.

Method One: BL Revenue/Licensed Landlord

One method of estimating how much business license would be generated if all 555 residential property owners were licensed is looking at the current number of licensed landlords and the business license revenue these licensed landlords generate.

Rental Revenues Ranges	# of Licensed Landlords	Business License Fees Generated	# of Unlicensed Landlords ¹	Annual BL Fees Estimated for Unlicensed Landlords ²
Range 1: \$50,000 or less	36	\$1,962	355	\$19,347.50
Range 2: \$50,000 - \$100,000	5	\$730	124	\$18,104.00
Range 3: \$100,001 - \$250,000	10	\$3,210	44	\$14,124.00
Range 4: \$250,001 - \$1 million	17	\$20,097	19	\$22,461.35
Range 5: \$1 million - \$2 million	26	\$57,330	9	\$19,845.00
Range 6: \$2 million - \$3 million	17	\$68,982	3	\$12,173.29
Range 7: Greater than \$3 million	16	\$96,745	1	\$6,046.56
	127	\$249,056.00	555	\$112,101.70

¹ – These numbers come from *Figure 4*, “# of Owners”

² – These figures are calculated thus: (BL Fees Generated) / (# of Licensed Landlords) * (# of Unlicensed Landlords)

Conclusion: Using only the business license fee generated by each licensed landlord, a rough estimate can be generated by applying the same business license fee/licensed landlord rate to the number of estimated unlicensed landlords in each Rental Revenue Range. **Based on this calculation, the *estimated* business license fees generated by the compliance of all currently unlicensed residential landlords would be \$112,101.70 per year.**

Method Two: Median Rent Rate

This method did not allow an estimated figure of additional business license fees generated to be determined. However, the calculations used in this method are provided below.

NOTES AND ASSUMPTIONS!

- Note: The gross revenues of unlicensed landlords cannot be known, as this information is not collected except as part of the business license application process.
- Note: The median (midpoint of) monthly gross residential rent in Richland County SC was \$920 in 2017, according to the [Census ACS survey](#).
- ASSUMPTION: For purposes of this analysis only, it will be “assumed” (acknowledging all the difficulties that come with using assumptions) that each property is rented at the median rent rate shown above.
- Therefore, the ranges above would have the gross revenues shown below:

Median rent rate/residential property: \$920/month

	# of Owners	"Assumed" Gross Revenues (Min.)	"Assumed" Gross Revenues (Max.)	"Assumed" Average Gross Revenues
Range 1: 3 - 5 res. properties	355	\$33,120	\$55,200	\$44,160
Range 2: 6 - 10 res. properties	124	\$66,240	\$110,400	\$88,320
Range 3: 11 - 25 res. properties	44	\$121,440	\$276,000	\$198,720
Range 4: 26 - 50 res. properties	19	\$287,040	\$552,000	\$419,520
Range 5: 51 - 100 res. properties	9	\$563,040	\$1,104,000	\$833,520
Range 6: 101 - 250 res. properties	3	\$1,115,040	\$2,760,000	\$1,937,520
Range 7: More than 250 res. properties	1	\$2,771,040	max. unknown	max unknown

Figure 3

Using the numbers of residential property owners shown in *Figure 2* and the “assumed” gross revenues shown in *Figure 3*, the amount of revenues generated from business license fees can be projected. (NOTE! These are only projections based on assumptions and should be considered very rough estimates only.)

NOTES AND ASSUMPTIONS!

- NOTE: Not all owners of residential properties will be interested in renting their properties. For example, construction contractors, either residential or commercial, are in the business of building and selling their projects, not renting any homes they build.

Example: A residential contractor may build a development of 1,000 homes and will, temporarily, own all these residential properties until they are sold. So a residential property owner of 1,000 homes will be “assumed” to be renting and collecting revenues from his/her properties, but it will certainly be the case that, in the case of construction contractors, these residential properties will be vacant.

- ASSUMPTION: It will be assumed that all landlords are located in Richland County. This is a conservative assumption, as all landlords located outside Richland County would receive the non-resident business license landlord rate, which is double the resident business license landlord rate.
- ASSUMPTION: For purposes of this analysis only, it is assumed that all landlords have 100% occupancy, obtaining the median rent rate per month every single month for every single unit. This is certainly not going to be the case. The average occupancy rate for residential rental units in Richland County is unknown.

Business license rate for landlords:

- On the first \$2,000: \$29.49
- Every \$1,000 (or portion thereof) thereafter: \$1.35

	# of Owners	"Assumed" Average Gross Revenues	"Assumed" BL Fee Revenues Average ¹
Range 1: 3 - 5 res. properties	355	\$44,160	\$31,076.70
Range 2: 6 - 10 res. properties	124	\$88,320	\$18,220.56
Range 3: 11 - 25 res. properties	44	\$198,720	\$12,999.36
Range 4: 26 - 50 res. properties	19	\$419,520	\$11,282.01
Range 5: 51 - 100 res. properties	9	\$833,520	\$10,374.21
Range 6: 101 - 250 res. properties	3	\$1,937,520	\$7,929.27
Range 7: More than 250 res. properties	1	\$2,771,040 (min.)	\$3,768.99
TOTAL	555		\$95,651.10

Figure 4

¹ – See Attachment 1 for these calculations

The estimated business license revenue to the County for ALL 555 residential landlords in the unincorporated County areas is \$95,651.10 per year. However, there are already 127 residential

landlords licensed with Richland County, and their business license fees are already being paid to and collected by the County.

Therefore, to determine the estimated *additional* business license revenues that would be generated, it is necessary to remove the revenues already collected by the licensed residential landlords.

Conclusion: Because the annual business license revenues generated from the already-licensed 127 residential landlords (\$249,055) far exceeds the estimated total business license revenues for all 555 residential landlords (\$95,651), **the additional revenue generated by the currently-unlicensed 428 residential landlords cannot be determined using the Median Rent Rate Method.**

Question 2:

The issue: The County cannot currently identify which of its 6%-assessed residential properties (20,209 in the unincorporated areas and 12,045 in the municipalities) are single vacation homes for the owners or are used as rental properties, either through online short-term home rentals or as year-round, single lease rentals. It is critical to know this information in order to facilitate compliance with the County's various requirements, such as zoning, building inspection, and business licensing requirements.

The resolution: Because the County's jurisdiction for its requirements is limited to the unincorporated areas only, efforts to accurately identify the true use of residential properties will be limited to those located in these areas. Given the data that the County currently has on its residential property owners is limited to addresses, i.e., no phone numbers or e-mail addresses, and given that the intent is to communicate to and receive information from the residential property owners, the mode of this communication is limited to sending letters to the property owners.

The Method

This letter would be appropriately sent to ALL owners of 6%-assessed residential property located in the unincorporated areas of the county. Even those with only one 6%-assessed residential property will need to be identified as serving as either a unrented vacation home or as a online short-term rental which will need to meet the County's requirements for that activity.

There are 20,209 residential properties in the unincorporated areas. However, there are 14,924 individual property owners. Information to the same owner could be sent in the same envelope, reducing the amount of postage required for the mailing.

The Costs

The costs associated with sending a letter to these property owners are included below:

Total Estimated Costs: 23,441.65

Printing: \$6,062.70
Postage: \$11,114.95
Staffing: \$6,300.00

1) Printing – \$6,062.70

- A printer would have to be used for printing the letter, due to the volume of the mailing.
- The letter will need to be very carefully written to be as clear as possible while also ensuring that it covers all the important information.
- A rough estimate (for 20,209 pieces) based on two annual mailings = \$.30/piece = \$6,062.70
 - business license renewal mass mailing (9850 pieces) = \$0.366/piece
 - Business Personal Property Tax mailing (1398 pieces) = \$0.461/piece
- The anticipated specifications of the mailing would include the following:
 - One-sided legal size letter
 - Variable data fields used so each letter will be customized for its property owner
 - Data to be conveyed to the printer in Excel format
 - Bottom portion of letter perforated for tear off and return to the County
 - Envelope to include text “Important property information”
 - Letters to be mailed out in batches of 5,100 spread out over four weeks (to reduce the impact on staff following the mailout)

2) Postage – \$11,114.95 (minimum for first class)

Letters could be sent by bulk mail. However, if first class is desired, to ensure that undeliverable letters are returned to the County, the estimated cost would be $\$0.55 * 20,209 = \$11,114.95$. This amount also assumes that all letters could be mailed for \$0.55, but those envelopes with more than one letter in it would cost more to mail.

3) Staffing – \$6,300

- Every letter sent out will be requested to be returned, but this is not required. (Requiring the letter’s return is not recommended: (1) it would require enormous amounts of staff time, and costs for printing and mailing additional letters, for follow-up. (2) Additionally, if one letter does not generate a response, each additional letter sent is less effective than the previous letter.

- Phone calls: The letter, no matter how very carefully written, will generate citizens' phone calls. Staff will need to be available and prepared to answer those calls. Given the current workloads of staff and the high volume of letters being mailed, it is recommended that supplemental staff (either from other County departments or divisions or from a temporary staffing agency) be on hand to assist with answering and responding to calls.
- Undeliverable letters: Supplemental staff will also be necessary to log the letters that are returned as undeliverable and conduct what follow-up is possible to find a new address.
- Logging letters: Supplemental staff will also be necessary to log the letters being returned. This will monitor who replied and what the response was.
- Checking e-mails: It is strongly recommended a fillable PDF form, as seen at the bottom of each letter be available on the County's website so the form, if necessary, can be returned via e-mail to a specified e-mail address. Responses by e-mail will also need to be logged.
- Responding to letters: Supplemental staff will also be necessary to respond to the letters being returned by the property owners. Most letters being returned, by virtue of being returned, will need follow-up by various divisions based on the use indicated by the property owner.
- Estimated costs: Assuming that a temporary staffing agency is used to assist with this "pilot project" effort, assume that three administrative temps at \$12/hour working five hours a day, five days a week, for five weeks, with a 40% staffing upcharge, the cost would be:

$$3 \text{ staff} * 12/\text{hour} * 5 \text{ hrs/day} * 5 \text{ days/wk} * 5 \text{ wks} * 1.4 \text{ upcharge} = \$6,300$$

Even if County staff are used as supplemental staff, while there would be no financial costs, there would be significant opportunity costs of things not done while staff is working on this project.

Collaboration with the Municipalities

If the County wishes to help ensure the lawful operation of landlords in each municipality,, and build some goodwill amongst its municipalities, the County could invite its member municipalities to cover their portion of the mailing costs, and send letters to landlords in the municipal areas as well. (Letters to municipal residential property owners would be directed to be returned to the respective municipality.) This unique opportunity to identify unlicensed (landlord) businesses so easily and thus ensure their lawful operation is not generally available to municipalities, and the opportunity may be welcomed.

Attachment 1: Calculations for Business License Fee Estimations

Range 1:

$$1 \text{ owner BL fee} = \text{Base Rate} + \text{Increment Rate} = 29.49 + \underline{58.05} = \underline{87.54}$$

$$\text{Base Rate} = 29.49$$

$$\begin{aligned} \text{Increment Rate} &= 1.35 * \text{roundup}(\underline{(44,160 \text{ avg revenue/owner} - 2000 \text{ for base rate})}/1000) = \\ &1.35 * \text{roundup}(42,160)/1000 \\ &1.35 * \text{roundup}(42.16) \\ &1.35 * 43 \\ &58.05 \end{aligned}$$

$$\underline{355} \text{ owners' BL fee} = \underline{355} * \underline{87.54} = \underline{\$31,076.7}$$

Range 2:

$$1 \text{ owner BL fee} = \text{Base Rate} + \text{Increment Rate} = 29.49 + \underline{117.45} = \underline{146.94}$$

$$\text{Base Rate} = 29.49$$

$$\begin{aligned} \text{Increment Rate} &= 1.35 * \text{roundup}(\underline{(88,320 \text{ avg revenue/owner} - 2000 \text{ for base rate})}/1000) = \\ &1.35 * \text{roundup}(86,320)/1000 \\ &1.35 * \text{roundup}(86.32) \\ &1.35 * 87 \\ &117.45 \end{aligned}$$

$$124 \text{ owners' BL fee} = \underline{124} * \underline{146.94} = \underline{\$18,220.56}$$

Range 3:

$$1 \text{ owner BL fee} = \text{Base Rate} + \text{Increment Rate} = 29.49 + \underline{265.95} = \underline{295.44}$$

$$\text{Base Rate} = 29.49$$

$$\begin{aligned} \text{Increment Rate} &= 1.35 * \text{roundup}(\underline{(198,720 \text{ avg revenue/owner} - 2000 \text{ for base rate})}/1000) = \\ &1.35 * \text{roundup}(196,720)/1000 \\ &1.35 * \text{roundup}(196.72) \\ &1.35 * 197 \\ &265.95 \end{aligned}$$

$$44 \text{ owners' BL fee} = \underline{44} * \underline{295.44} = \underline{\$12,999.36}$$

Range 4:

$$1 \text{ owner BL fee} = \text{Base Rate} + \text{Increment Rate} = 29.49 + \underline{564.30} = \underline{593.79}$$

$$\text{Base Rate} = 29.49$$

$$\begin{aligned} \text{Increment Rate} &= 1.35 * \text{roundup}((\underline{419,520} \text{ avg revenue/owner} - 2000 \text{ for base rate})/1000) = \\ &1.35 * \text{roundup}(417,520)/1000 \\ &1.35 * \text{roundup}(417.52) \\ &1.35 * 418 \\ &564.30 \end{aligned}$$

$$19 \text{ owners' BL fee} = 19 * \underline{593.79} = \underline{\$11,282.01}$$

Range 5:

$$1 \text{ owner BL fee} = \text{Base Rate} + \text{Increment Rate} = 29.49 + \underline{1,123.2} = \underline{\$1,152.69}$$

$$\text{Base Rate} = 29.49$$

$$\begin{aligned} \text{Increment Rate} &= 1.35 * \text{roundup}((\underline{833,520} \text{ avg revenue/owner} - 2000 \text{ for base rate})/1000) = \\ &1.35 * \text{roundup}(831,520)/1000 \\ &1.35 * \text{roundup}(831.52) \\ &1.35 * 832 \\ &1,123.2 \end{aligned}$$

$$9 \text{ owners' BL fee} = 9 * \underline{1,152.69} = \underline{\$10,374.21}$$

Range 6:

$$1 \text{ owner BL fee} = \text{Base Rate} + \text{Increment Rate} = 29.49 + \underline{2,613.60} = \underline{2,643.09}$$

$$\text{Base Rate} = 29.49$$

$$\begin{aligned} \text{Increment Rate} &= 1.35 * \text{roundup}((\underline{1,937,520} \text{ avg rev/owner} - 2000 \text{ for base rate})/1000) = \\ &1.35 * \text{roundup}(1,935,520)/1000 \\ &1.35 * \text{roundup}(1,935.52) \\ &1.35 * 1,936 \\ &2,613.60 \end{aligned}$$

$$3 \text{ owners' BL fee} = 3 * \underline{2,643.09} = \underline{\$7,929.27}$$

Range 7:

$$1 \text{ owner BL fee} = \text{Base Rate} + \text{Increment Rate} = 29.49 + \underline{3,739.50} = \underline{\$3,768.99}$$

Base Rate = 29.49

Increment Rate = $1.35 * \text{roundup}(\frac{2,771,040}{1000} - 2000)$ for base rate) / 1000 =
 $1.35 * \text{roundup}(2,769,040) / 1000$
 $1.35 * \text{roundup}(2,769.04)$
 $1.35 * 2770$
3,739.50

1 owners' BL fee = $1 * \underline{3,768.99} = \underline{\$3,768.99}$

Draft Inspection Form

Residential Rental Unit Inspection

Minimum Safety Standards

(Complete one checklist for each rental unit. NOTE: If you manage or own 4 or more units, you are required to have a business license and can waive the checklist requirement by signing the affidavit on the application.)

Property Information:	
Owner <input type="checkbox"/> /Agent <input type="checkbox"/> Name:	Company Name:
Address:	City/State/Zip:
Parcel#:	Is this unit currently occupied? Yes <input type="checkbox"/> No <input type="checkbox"/>
Total Number of Units: _____ Unit # _____	Number of Stories: _____
Structure Type: Single Family <input type="checkbox"/> Townhouse <input type="checkbox"/> Multi-Unit Apartment <input type="checkbox"/> Multi-Unit Condo <input type="checkbox"/>	
Primary Tenant Contact:	
<i>Name</i>	<i>Phone Number</i>

PROPERTY AREA	In Compliance?			Comments
	Yes	No	N/A	
Sanitation - Free from trash and debris.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Overgrowth - Grass and weeds must be less than 12 inches.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Environmental - Property exteriors shall comply with the International Property Maintenance Code and applicable City Codes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Swimming pools/spas - Swimming pools and spas shall be enclosed and include a self-closing and self-latching gate.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Premise identification - Address Numbers must be a minimum of 4 inches tall and visible and legible from the street.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Accessory structures - Structurally sound and secure.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Motor vehicles - All vehicles must be operable and licensed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Parking - No Vehicles shall be parked on the grass in the front yard.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Roll carts - Out of the Right of Way except for day of collection.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

STRUCTURE	In Compliance?			Comments
	Yes	No	N/A	
Doors and windows - Individual dwelling units must have access directly to the outside or to a common corridor. There must be at least one openable window in each bedroom. Deadbolts cannot lock with a key from the inside.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Stairs, rails, porches, decks - A graspable handrail is required for four or more stairs whether indoors or out. Guardrails are required on decks over 30 inches above grade, must be between 34 and 38 inches in height, and not have any openings between pickets or rails that exceed four inches.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Electrical service and electrical hazards - Electrical service through a public service provider. All bathrooms, exterior outlets, non-dedicated kitchen outlets within six feet of kitchen sink shall be ground fault protected. Missing or cracked plates on switches or outlets shall be repaired.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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STRUCTURE (Continued)	In Compliance?			Comments
	Yes	No	N/A	
Ceilings - Ceilings shall not have any apparent visual defects, evidence of mold or mildew, or holes with exposed wiring or insulation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Walls - Walls shall not have any apparent visual defects evidence of mold or mildew, or holes with exposed wiring or insulation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Floors - Floors shall not have any apparent visual defects, evidence of mold or mildew, or soft spots.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sink - In kitchen with hot and cold running water.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Stove or range - Stoves and ranges shall be free of apparent hazards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Toilet - Flushing and leak free in a room affording privacy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Wash basin - Operational and leak free equipped with hot and cold running water.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tub or shower - Operational and equipped with hot and cold running water in a room affording privacy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ventilation in bathroom - Bathrooms must have a window or mechanical ventilation and not have any evidence of mold or mildew.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Smoke detectors - Every sleeping area and adjoining hallway shall be equipped with an operational, approved listed smoke detector. In units containing more than one story, detectors are required on each story.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Fire extinguisher - Minimum of one 2A10BC fire extinguisher that is fully charged per unit or per floor where applicable every 75 feet apart.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Heating equipment - Operational heating facilities capable of maintaining a room temperature of 68 degrees.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Evidence of infestation - Premises shall appear free of rats, mice, roaches or other vermin.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Interior stairs and common halls - Stairs and halls shall not have apparent damage or missing rails or steps.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Revised 6/2/2017

I, _____, certify under penalty of false statement, that I have inspected the aforementioned unit and that the information above is true and correct to the best of my knowledge.

Signed this _____ day of _____, 20_____.

Signature _____ Title _____

Please note that a courtesy inspection by a City inspector is available upon request if you are uncertain that the unit meets the Minimum Safety Standards as outlined on this checklist.

Please call to schedule an inspection if needed.