

CITY OF MILFORD
NOTICE OF ORDINANCE ADOPTION

NOTICE IS HEREBY GIVEN that the following ordinance was adopted during a meeting of Milford City Council on November 27, 2023:

ORDINANCE 2023-45
AMENDMENT TO CITY OF MILFORD CODE
CHAPTER 180 - RESIDENTIAL RENTAL OPERATING LICENSE

WHEREAS, the City of Milford enacted a Residential Rental Operating License Ordinance to protect the health, safety, and welfare of its residents and to prevent the deterioration of the housing stock in the City; and

WHEREAS, from time to time, City Council determines a need for amendments and additions to the Residential Rental Operating License Ordinance of the City of Milford; and

WHEREAS, it is recommended that clarification be made within the ordinance regarding who is required to obtain a rental license; and

WHEREAS, it is recommended to provide a waiver from the rental license fee for disabled tenants who are directly related to the owner of the property.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Purpose: The Code of the City of Milford is hereby amended to clarify specific definitions within Chapter 180, Residential Rental Operating Licenses and provide a fee exemption for rental units occupied by disabled tenants who are directly related to the property owner.

Section 2. Sections 180-3, 180-4 and 180-9 are hereby amended.

Section 3. Strikethrough text denotes a deletion; underlined, and bold text denotes an addition.

Chapter 180 RESIDENTIAL RENTAL OPERATING LICENSES

§ 180-1. Title.

This chapter shall be known as the "Residential Rental Operating License Ordinance."

§ 180-2. Purpose.

This chapter is adopted to protect the health, safety and welfare of the City residents and to prevent deterioration of the housing stock in the City.

§ 180-3. Definitions.

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

CITY — The City of Milford, Delaware.

CODE OFFICIAL — The Building Inspector and/or Code Enforcement Official.

DIRECTLY RELATED TO THE OWNER – Any person who is related by blood, adoption or marriage (i.e. “in-laws”) to the following degrees of kinship: husband, wife, father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, uncle, aunt, niece, nephew.

LANDLORD — A person and/or an authorized representative, heir, successor or assignee of a person who leases or otherwise permits another person to occupy a rental unit ~~for money or other consideration.~~

OWNER – Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian or personal representative of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON — An individual, proprietorship, partnership, corporation, association, or other legal entity.

RENTAL UNIT — — Any house, building, structure or portion thereof, which is occupied, rented or leased as the home or residence of one or more persons. "Rental unit" does not include motel, hotel or bed-and-breakfast rooms where paying guests stay on a temporary basis. "Rental unit" also does not include rehabilitation or mental health group homes where residents may pay rent, but the home is managed and owned by nonprofit entities for the benefit of the renters' special needs.

TENANT — A person who occupies a rental unit ~~for which said person pays money or gives other consideration.~~

§ 180-4. Rental operating license required.

A. No dwelling unit shall be leased, subleased, or occupied by any person other than the owner until a rental license has been issued by the City. ~~No landlord shall operate a rental unit in the City unless an application has been filed and a current rental operating license has been issued for the specified rental unit for the current year.~~

B. Exceptions.

(1) No rental license shall be required where the owner occupies the dwelling unit.

(2) No fee shall be charged if the tenant is directly related to the owner and the owner provides a written medical affidavit from a doctor or physician satisfactory to the City that the tenants are disabled. The owner shall provide a written affidavit satisfactory to the City that the tenants are directly related to the owner. The owner shall register the rental unit and the unit is subject to required rental inspections.

(3) Any entity existing by virtue of a statutory formation does not qualify for these exemptions.

§ 180-5. Application for rental operating license and agreement to comply.

A. Every landlord shall apply for a rental operating license and shall agree to comply with all provisions of this and any other applicable City ordinance.

- B. The application shall be in the form provided by the Code Enforcement Department and shall be accompanied by a check or money order payable to the City of Milford in the amount set forth by City Council.
- C. It shall be unlawful for any person to operate any rental dwelling without obtaining a rental license from the City in order to determine compliance. The license shall expire annually on December 31. The fee for the annual license shall be set by City Council as part of the City Fee Schedule.
- D. In the event that the license fee set forth herein is not paid on the date due, then the licensee shall incur a penalty fee in the amount of \$25 per month per unit until the license fee is paid.
- E. An owner whose license has been suspended shall pay a reinstatement fee of \$100.
- F. The owner or occupant of any rental shall not be entitled to receive utilities until the license fee required is paid in full, and City personnel shall refuse to provide sewage, water and electric to the property until satisfactory proof is furnished that such fee has been paid.

§ 180-6. Contents of applications.

Every landlord shall supply the following information to the City as part of the annual application for a rental operating license and agreement to comply:

- A. The mailing and street address of the rental units.
- B. Name of responsible party leasing the unit and telephone number at time of application.
- C. The total number of persons living in the rental unit at time of application.
- D. Landlord's name, mailing address, telephone number, email address, website and leasing agent contact information, if different from the landlord.

§ 180-7. Regulations for issuance of licenses.

- A. If violations are found that pose a health or safety risk to the tenants, the unit may be judged as unfit for occupancy by the Code Official.
- B. Expiration of permits. Each rental operating license shall expire on December 31 of the year in which it was issued. No prorating, rebate or refund shall be made because of nonuse of the permit.
- C. Transfer of license. If a rental property is purchased or sold during the annual licensing period, the license may be transferred from owner to owner upon payment of \$50 for administrative expenses. Purchaser must make application as outlined in §180-6.
- D. Every rental unit owned shall have a "caretaker" designated by the owner.
 - (1) The caretaker may be the property owner if residing within a ten-mile radius of Milford, Delaware.
 - (2) The caretaker shall be an adult person(s) 18 years or older, specifically identified in writing by the owner on the rental license application (stating name, address and telephone numbers) and reside in such proximity to the City as to allow him or her to meet with the Code Official at the rental unit within 48 hours of receipt of notice from the Code Official. The caretaker may also be a management company (corporation, LLC and/or partnership); however, the management company must assign a contact person.
 - (3) The caretaker shall be charged, by the owner, with responsibility and authority to deal with occupants of the premises on behalf of the owner, to make repairs to the rental unit, to maintain

the premises and the common areas thereof, and to accept service of process on behalf of the owner.

- (4) Once notified of a defective condition and unless circumstances are beyond the caretaker's control, the caretaker will be given an amount of time to make repairs as deemed reasonable by the Code Official.
 - (5) The owner shall notify the City in writing of any changes in the name, address, and/or telephone number of the caretaker.
- E. No license shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.
- F. The owner is subject to penalties as defined in § 180-9 for failure to comply.

§ 180-8. Inspections.

- A. The Code Official reserves the right to inspect property at any time to ensure compliance with all property maintenance (Chapter 174), Building Construction (Chapter 88), Zoning (Chapter 230) and other City codes.
- B. When such inspections are deemed necessary, the Code Official will provide at least 48 hours' notice to the owner or caretaker. Exceptions to this rule will apply when health or safety conditions exist that require immediate inspection.
- C. A rental unit shall be deemed to be not in substantial compliance if:
- (1) There are one or more violations that pose a serious and substantial threat to the health, safety or welfare of the occupants.
 - (2) There are an extensive number of minor violations that, cumulatively, pose a significant threat to the health, safety, and welfare of the occupants.
- D. When the Code Official schedules an inspection, it is the responsibility of the property owner to make sure the structure/property is ready by the time the inspector arrives on site.
- (1) If an inspection needs to be cancelled or rescheduled, the Code Official must be notified by 4:00 p.m. the day before the inspection.
 - (2) If an inspector arrives on site and the structure/property is not ready and the inspection was not cancelled or rescheduled, a fee of \$50 must be paid at City Hall before the inspection can be rescheduled. This fee may be waived if the property is not ready for inspection due to circumstances beyond the control of the landlord/caretaker.
- E. When conditions of a property are such that cause more than one follow-up inspection, for the purpose of ensuring compliance, a fee of \$50 per inspection will be imposed.

§ 180-9. Violations and penalties; enforcement.

- A. Penalty for violation.
- (1) Any property owner who shall violate any provisions of this chapter or who fails to comply with any notice or order issued by a Code Official pursuant to the provisions of this chapter shall be guilty of violating the provisions of this chapter and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000. The minimum fine is not subject to suspension or reduction.

(2) Except where an appeal is taken, each day of a separate and continuing violation shall be deemed a separate offense.

(3) The City as part of the violation penalty has the power to revoke a rental license or an exemption of the rental license fee.

- B. Should the aforesaid penalties not be paid within 30 days of being assessed, and after notice of said failure is served, then the property covered by this chapter will be assessed for the unpaid penalties, which shall be collected in the same manner and at the same time as City taxes.
- C. If any of the cited violations are not remedied, the Code Official shall revoke the residential rental operating license.
- D. The remedies contained within this section shall further not be exclusive but shall be in addition to any other remedy provided by law, so long as not inconsistent herewith, nor shall the invoking of any remedy or procedure contained within this section preclude the pursuit of any and all other remedies, and the same are intended to be cumulative.

Section 4. Dates

Council Introduction: November 13, 2023

Council Public Comments/Determination: November 27, 2023

Effective Date: December 7, 2023

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