

City of Sioux Falls Ordinance on Rental Housing

Section 11-110. Purpose

The purpose of this article is to protect the health, safety, and welfare of the citizens of the city by requiring permit and registration of rental housing units.

Section 11-111. Definitions

Residential rental unit means any building or structure including the real property upon which it is located, which is rented or offered for rent as living quarters. It does not mean on-campus housing, hospital units, nursing home units, or hotels or motels with daily rental units, all of which shall be exempt from any requirements of this Article.

PERMIT REQUIREMENTS

Section 11-112. Permit Requirements

No person shall occupy, allow to be occupied, advertise for occupancy, solicit occupants of, or let to another person for occupancy any residential rental unit within the city that has not been permitted as residential rental unit by the city. Failure to make truthful disclosures under the information required under paragraph (5) below, or if the information disclosed reveals three (3) or more health, nuisance, or other code violations resulting in citations and fines payable to the city within the previous three (3) calendar years, shall be cause for the city to elect to deny such permit. Application for permit for residential rental unit shall be made on forms furnished by the city. A residential rental property owner and/or the designated agent shall notify the city in writing within 15 calendar days after any change to the information. The application and supporting forms shall require the following information:

- (1) Name, mailing address, and phone number of the property owner, and, if the owner is not a natural person, the name, address, and phone number of a designated agent for the owner.
- (2) The name, phone number, and mailing address of any person authorized to make or order repairs or services for the property, if in violation of city ordinances or state law, if the person is not the owner.
- (3) The street address of the residential rental unit.
- (4) The number and type of units; i.e., dwelling units or sleeping rooms.
- (5) Whether the owner or responsible party as defined by Section 2-111 of the Revised Ordinances of Sioux Falls, SD, have, within the previous three (3) calendar years, been in violation and failed to make timely corrections of health, nuisance, or other code violations, excluding any notices or violations issued pursuant to Section 38-76 or Sections 42-49 through 42-51, to any property or properties in any municipality, including the City of Sioux Falls.

Section 11-113. Manner of registration

Within 90 days after the effective date of this ordinance, all owners of residential rental unit shall have filed an application for permit of the unit with the city. After the initial 90-day period, all residential rental units shall be permitted in accordance with the provisions of Section 112 of this ordinance.

PERMIT EXPIRATION

Section 11-114. Permit expiration

Each permit and renewal permit shall expire either on the 31st day of December in the third year following the year of issuance or earlier

when such permit shall immediately expire and be considered revoked, with no additional due process consideration required, upon the city's issuance of any notice of a fourth health, nuisance, or other code violation when said permit holder has been subject to three (3) health, nuisance, or other code violations resulting in citations and fines payable to the city within the previous three (3) calendar years, excluding any notices or violations issued pursuant to Section 38-76 or Sections 42-49 through 42-51, as to any property in the city. No owner of a residential rental unit in the city shall otherwise allow a permit once issued to expire without making application for a renewal permit. However, a permit or renewal permit shall not be issued before completion of a satisfactory city inspection and approval of that dwelling unit's condition of habitability if: (A) the owner or responsible party has been subject to three (3) or more citations, excluding any notices or violations issued pursuant to Section 38-76 or Sections 42-49 through 42-51, resulting in fines payable to the city within the previous three (3) calendar years, or (B) if at the time of expiration of said permit there remain unpaid fines for any health, nuisance, or other code violations to the city by the owner or responsible party for the subject property.

Section 11-115. Correction of defects and enforcement

Whenever the city determines that a residential rental unit, whether permitted or not, has failed to meet the requirements of any applicable city ordinance, the city shall proceed with enforcement as provided within the applicable ordinance. The city may also proceed to revoke or suspend any permit issued for a residential rental unit for serious and continuing substantial noncompliance with any applicable city ordinance. In addition to all other remedies,

the city may seek to enjoin any unit from being operated as a residential rental unit that is not properly permitted by the city.

TRANSFER OF OWNERSHIP

Section 11-116. Property transfers

To transfer a permit for a residential rental unit from one owner to another, the applicant shall give written notice, including the name and address of the transferee, to the city of the transfer within 30 days after such transfer. Any permit for a residential rental unit being transferred shall expire upon its original expiration date.

Section 11-107, Article 6, Chapter 11.

No waiver of code compliance

No permit issued for a residential rental unit shall be deemed to cure, waive, or grant a right of continued operation for property that is determined to be in violation of any applicable ordinances of the city.

Section 11-118.

Revocation of residential rental permit

No action revoking or suspending a permit pursuant to this article for a residential rental unit shall be undertaken by the city without notice and a reasonable opportunity for the owner to bring the unit into compliance with applicable city ordinances.

The Chief Building Services Official or any other person appointed by the Mayor shall have the authority to revoke or suspend any permit for a particular residential rental unit if it is determined that the property is in serious and continued substantial noncompliance with any applicable city ordinance. Appeals from a decision revoking or suspending a permit for a residential rental unit shall pursuant to the appeals process of the International Property Maintenance Code and Section 2-60 et. seq. of the Re-



City of Sioux Falls

Building Services

Ground Floor

224 West Ninth Street

P.O. Box 7402

Sioux Falls, SD 57117-7402

(605) 367-8670

TTY/Hearing Impaired (605) 367-7039

www.sioxfalls.org

vised Ordinances of Sioux Falls, South Dakota. No action revoking or suspending a permit for a residential rental unit shall be deemed effective until all appeals have been exhausted, including any appeal to circuit court, or the time for filing any appeal shall have passed without an appeal being filed.

Section 11-119. Readoption of rental registrations

The rental registrations and all amendments are hereby reenacted so when this ordinance becomes effective the Article on Rental Housing and all amendments thereto are readopted.



Rental Housing Permit



Prepared by
City of Sioux Falls
Planning and Building Services

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