

RICHLAND COUNTY
DEVELOPMENT & SERVICES
COMMITTEE AGENDA



Tuesday, APRIL 27, 2021

5:00 PM

ZOOM MEETING

The Honorable Allison Terracio, Chair

County Council District 5

The Honorable Derrek Pugh

County Council District 2

The Honorable Gretchen Barron

County Council District 7

The Honorable Cheryl English

County Council District 10

The Honorable Chakisse Newton

County Council District 11

RICHLAND COUNTY COUNCIL 2021



Bill Malinowski
District 1
2018-2022



Derrek Pugh
District 2
2020-2024



Yvonne McBride
District 3
2020-2024



Paul Livingston
District 4
2018-2022



Allison Terracio
District 5
2018-2022



Joe Walker III
District 6
2018-2022



Gretchen Barron
District 7
2020-2024



Overture Walker
District 8
2020-2024



Jessica Mackey
District 9
2020-2024



Cheryl English
District 10
2020-2024



Chakisse Newton
District 11
2018-2022





Richland County Development & Services Committee

April 27, 2021 - 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: March 23, 2021 [PAGES 7-10]

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

4. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED** 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]

Status Update: The staff workgroup requests Council direction. Additionally, it is staff’s understanding that the maker of the motion, Councilmember Terracio, would provide information/direction relative to how the County could/should partner with the City of Columbia in their similar efforts. No further updates are available at this time.

 - 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 11-22]

5. 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
Development & Service
March 23, 2021 -5:00 PM
Zoom Meeting
2020 Hampton Street, Columbia, SC 29201

COMMITTEE MEMBERS PRESENT: Allison Terracio, Chair, Derrek Pugh, Gretchen Barron, Cheryl English, and Chakisse Newton.

OTHERS PRESENT: Bill Malinowski, Jesica Mackey, Michelle Onley, Leonardo Brown, Tamar Black, Angela Weathersby, Kyle Holsclaw, Ashiya Myers, Mike Zaprzalka, Mike Maloney, Clayton Voignier, John Thompson, Elizabeth McLean, Lori Thomas, Randy Pruitt, Stacey Hamm, Zachary Cavanaugh, Jani Hussain, Stephen Staley, Michael Byrd, Dante Roberts, Brittney Hoyle-Terry, Dale Welch, Lauren Hogan, Dwight Hanna, Geo Price, Bill Davis, and Brian Crooks

1. **CALL TO ORDER** – Ms. Terracio called the meeting to order at approximately 5:00 PM.

2. **APPROVAL OF MINUTES**

a. **Regular Session: February 23, 2021** – Mr. Pugh moved, seconded by Ms. English, approve the minutes as distributed.

In Favor: Pugh, Terracio, Barron, English, and Newton

The vote in favor was unanimous

3. **ADOPTION OF AGENDA** – Ms. Barron moved, seconded by Ms. English to adopt the agenda as published.

Mr. Malinowski noted that on the agenda item 4(b) had the incorrect information included in the original agenda packet. The Clerk’s Office provided the corrected briefing document prior to the meeting.

In Favor: Pugh, Terracio, Barron, English, and Newton.

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

a. **Ordinance authorizing Quit-Claim deed of Olympia Alleyway to contiguous landowner (Hendley – 104 Alabama Street)** – Ms. Terracio moved, seconded by Mr. Pugh, to forward to Council with a recommendation to approve an ordinance granting a quit-claim deed to Viola K. and J. Scott Hendley, who is the fee simple owner of the lot of land known as 104 Alabama Street (TMS#08816-02-15) by deed dated April 9, 1997 and filed in the Richland County RMC Office deed book 56, page 8011.

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Ms. Newton inquired why the owners of the contiguous property are requesting the deed.

Ms. Terracio stated she believes the landowner no longer wanted the alleyway as a part of the property.

Ms. McLean responded, in 1983, Council passed an ordinance regarding the Olympia alleyways. At the time, they were all platted, but they were never granted to anyone. They are not listed on anyone's deed, and are not listed as a County right-of-way. No one has the right or obligation to maintain them. In general, the ordinance says, if you ask the County will give you half of the right-of-way that connects to your property.

In Favor: Pugh, Terracio, Barron, English, and Newton

The vote in favor was unanimous.

- b. Approval to proceed with the railroad crossing closure on Walter McCartha Road** – Mr. Brown stated, in the packet, the committee will find information associated with a railroad crossing that had some crashes that were concerning to the community. There are two (2) sections of railroad crossings. The section that is being requested to be closed is the section where there was a recent incident where three individuals were seriously injured and made the news. There have been State level concerns, as well as railroad and County conversations about this particular piece of land. The railroad crossing that does not have the best visibility, in terms of what you would generally expect at a railroad crossing. Included in the agenda packet, is a notice from the State Representative, as well as information from the railroad, and their willingness to close this railroad crossing, as well as providing funding to the County.

Mr. Maloney stated Lynn McCartha Road will remain open. This crossing is flat and you can see across the tracks, the trains, and other vehicles on the other side. Walter McCartha is loop that comes off of Lynn McCartha, goes over the tracks, and both connect to Hwy. 76. He noted he personally drove Walter McCartha, and when you drive up on the tracks you cannot see the road below. The railroad will take care of obliterating the piece of road that is between the railroad tracks and Hwy. 76, as well as the actual crossing. The County would clean up anything to create the loop.

Mr. Malinowski inquired, after the County fixes the area, where does the balance of the \$10,000 go.

Mr. Staley responded it will be up to Council, but they would like it to go to Public Works.

Ms. Barron move, seconded by Ms. Newton to forward to Council with a recommendation to approve proceeding with the closing of the railroad crossing on Walter McCartha Road.

Ms. Newton inquired as to the origin of this request.

Mr. Staley responded it originated from the CTC. The CTC received a lot of calls from concerned citizens, as well as the representative from the area.

Mr. Malinowski noted there was an accident where a train hit a vehicle, and it started the ball rolling for people to complain and wanting to have the crossing closed.

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In Favor: Pugh, Terracio, Barron, English, and Newton

The motion in favor was unanimous.

- c. **Approval of Summit Ridge Drive Sidewalk Project** – Mr. Staley stated this is an area in the Northeast part of the County that is heavily traveled and populated. There is approximately 1,050 ft. of missing sidewalk connecting a lot of neighborhoods, schools, and parks. The County did a project in the area about three (3) years ago that brought some existing sidewalks into ADA compliance, and they noticed the need then. Based on the small amount of funding, it would make a big difference for that area. Of the seven (7) sidewalks that were received, this one rated the highest based on connectivity to schools, parks, and the amount of average daily traffic.

Ms. Newton inquired what will happen to the 2020 requests not that it is 2021. In addition, she requested staff to explain the funding source, specifically CTC, we are using for sidewalks, and the process for requesting sidewalks.

Mr. Staley responded to request a sidewalk the citizen would call the Ombudsman's Office, and they would direct the request to Public Works. Toward the end of January, Public Works begins their list. Near the end of the year the requests are evaluated and make a recommendation at the first Council meetings of the next year. The funding source they utilize is CTC funds. Tonight's request is to allow Public Works to go to the County Transportation Committee to request funding.

Ms. Newton stated she would like to see if there is a more proactive identification process for requesting sidewalks. She noted there are citizens that may not know the process, and there is a great demand for sidewalks.

Ms. Terracio inquired if staff could make the rating sheet public.

Mr. Staley responded this is public information. He offered to send the information to PIO.

Mr. Malinowski inquired if it makes a difference in the ratings if it was State or County-maintained road.

Mr. Staley responded in the affirmative. A County road receives more points.

Mr. Malinowski inquired what would happen if the CTC does not approve the grant.

Mr. Staley responded the Public Works budget could not withstand a sidewalk project, so it would be delayed until next year.

Ms. English inquired as to what portion the sidewalk is connecting.

Mr. Staley responded it connect Bombing Range Road to Palmetto Park.

Ms. English moved, seconded by Ms. Barron, to approve the Summit Ridge Drive Sidewalk Project so that County Staff can apply to the County Transportation Committee (CTC) for a "C" Construction Grant for funding design and construction.

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Ms. Newton inquired what input the Planning staff provides when developing a community and planning sidewalks, so the community does not have to come back and request a sidewalk.

Mr. Voignier responded they generally review the site plans for compliance with the Land Development Code. As long as they are compliant, he does not believe there are requirements for sidewalk space.

Mr. Price stated as part of the site submittal process, and according to the Richland County Land Development Code, sidewalks are required. There are certain situations when due to non-connectivity with other sidewalks, they will get confirmation from SCDOT, if it is going to be on a State road, and also work with the Public Works Department to determine if sidewalks are warranted in a particular development.

In Favor: Pugh, Terracio, Barron, English and Newton

The vote in favor was unanimous.

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

- 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]** – There was no update provided.
- 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]** – There was no update provided.
- c. **Amend the County's current ordinance, in order to allow lighting on Broad River Road [DICKERSON]** – Ms. Terracio noted there was an update on this item in the agenda packet.

6. **ADJOURNMENT** – The meeting adjourned at approximately 5:31PM.

**Development & Service Committee
March 23, 2021**



Item Pending Analysis

Prepared by:	Mike Zaprzalka	Title:	Interim Building Inspections Manager
Department:	Community Planning & Development	Division:	Building Inspections
Contributor:	Elizabeth McLean	Title:	Acting County Attorney
Date Prepared:	April 8, 2021	Meeting Date:	April 27, 2021
Approved for Consideration:	Assistant County Administrator		
Committee:	Development & Services Committee		
Agenda Item/Council Motion:	Absentee Landlord / Ordinance Amending Chapter 16/ Rental Ordinance		

EXECUTIVE SUMMARY (NARRATIVE STATUS):

In the follow-up to the February 23, 2021, Development and Services Committee meeting, Council Members directed County Legal and Administration, whose representation was subsequently established by a workgroup comprised of staff from various County departments, to provide a comprehensive review of the potential legal impacts of adopting an ordinance that addresses owner/landlord standards for residential rental properties. At this meeting, Councilmember Newton felt the document presented was comprehensive, but did not capture the motion’s intent.

Since then, Legal drafted an Ordinance Amendment of Chapter 16, Licenses and Miscellaneous Business Regulations to better capture the intent of the motion based on feedback from Councilmember Newton. Based on this feedback, Legal and the staff workgroup believes the intent of the motion is the property owner, the responsible local representative, landlord, and tenants shall be liable for Richland County Code violations within dwellings, dwelling units, rental units, or premises under their control or in which they are leasing. Based on this intent, the ordinance maintains less emphasis on Building Code Inspections as previously drafted.

The workgroup has reviewed the re-drafted ordinance amendment and shared their suggestions with Legal. Legal has taken those suggestions and is proposing a draft ordinance amendment. A copy of the draft ordinance amendment is presented with this document as an attachment. Legal is prepared to answers questions or concerns about the ordinance’s content and purpose.

Both Legal and the staff workgroup agree that implementation of the ordinance amendment as drafted will require a significant level of recurring resources in the form of planning, staffing, and operating and capital funds, primarily in the Business Service Center, before the ordinance amendment could move to Council for adoption. Based on the Committee's feedback on approval for the ordinance amendment's intent in the upcoming Committee meeting, the staff workgroup will begin to construct an operational cost analysis to implement and execute such an ordinance amendment.

KEY ACCOMPLISHMENTS/MILESTONES:

- Legal provided a re-draft of the ordinance amendment with a focus on nuisances.
- Staff workgroup provided feedback to Legal on the newly drafted ordinance amendment.
- Legal is prepared to discuss the ordinance amendment to the Committee at its April 27, 2021 meeting.

CRITICAL ISSUES:

Staff has listed the critical issues from a planning and implementation perspective, in addition to the staffing, operating, and capital budget impacts.

- As written, the ordinance amendment relies heavily on self-policing by the owners and owner agents because staffing does not address facilitating inspections, violation point tracking, and tenant complaints from various County departments. All ordinance listed departments/stakeholders believe their personnel and operating budgets will be impacted with the ordinance amendment.
- As written, the ordinance amendment makes an exemption for Management Companies in good standing so that these companies do not have to pay the annual license fee. This exemption may be viewed as unequal treatment by rental property owners in good standing who are not exempt and required to pay the fee.
- Tracking and enforcement of the violation point system is another critical issue with the execution of the ordinance amendment. When addressing the "nuisance," the ordinance amendment does not distinguish between property nuisances and tenant nuisances, the latter of which is considered more severe. The ordinance amendment currently treats them the same when assigning violation points.
- As written, several sections will need an operational outline for who will be responsible and what the process will consist of for the execution plan. The staff workgroup will be prepared to address such issues once the Committee provides staff the appropriate direction.

TOP RISKS/CONCERNS:

Legal and the staff workgroup express concern for the cost of planning and implementing the ordinance amendment. As outlined in the initial briefing document, the staff workgroup is considering many factors, such as staffing, training, system development, operating and capital funding, and public awareness briefings.

PENDING ACTIONS/DELIVERABLES AND ANTICIPATED COMPLETION DATES:

Legal is prepared to discuss the ordinance amendment at the April 27, 2021 Committee meeting to ensure it meets the intent and direction of the Committee.

The staff workgroup is prepared to begin the operational planning and cost analysis if the committee desires to direct staff as such. No completion date has been set.

ATTACHMENT (S):

1. Ordinance amending Chapter 16, (landlord rental permit).

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-20HR

AN ORDINANCE CREATING RENTAL HOUSING REGULATIONS AND PERMITTING.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; is hereby amended by the creation of a new Article, to read as follows:

ARTICLE VII. RENTAL HOUSING REGULATIONS

Sec. 16-71. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this Article, have the meanings shown in this section. Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meaning such as the context implies.

Citation means a charge or formal written accusation of violation of a municipal, state or federal law, regulation or ordinance.

Dwelling or dwelling unit means a building or portion thereof, designed for occupancy for residential purposes.

Landlord means any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.

Occupant means a family or an individual unrelated by blood to a second degree of consanguinity, marriage, adoption, or guardianship to any other occupant of the dwelling unit. A family of related persons shall be counted as one occupant.

Offense means any violation of local, state, or federal statutes or ordinances which results in a forfeiture of bond, plea of guilty, no contest, acceptance into pre-trial intervention, alcohol education program or a determination of guilt by a court or a jury. For purposes of this article, all violations for which charges are made during one response by law enforcement officers which result in a forfeiture of bond, acceptance in to a pre-trial intervention program, alcohol education program, conviction, or a plea of guilty or no contest collectively shall be deemed one offense.

Owner means any person, firm or corporation having a legal or equitable title in the property, or recorded in the official records of the state, county or municipality as holding title.

Owner-occupied rental unit means a rental unit that is occupied in whole or in part by an individual whose name specifically appears on the deed for the property where the rental unit is located.

Person means any natural individual, firm, partnership, association, joint stock company, joint venture, public or Private Corporation or receiver, executor, personal representative, trust, trustee, conservator or other representative appointed by order of any court.

Premises means a lot, plot or parcel of land, including the buildings or structures thereon, which also includes dwelling units, rental units and dwellings.

Professional Management Company means any company licensed by South Carolina Department of Labor, Licensing and Regulation as a real estate broker or property manager and holding the appropriate current Richland County Business License.

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, manager, or professional management company 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 Article, 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 , if such contract has been properly recorded with the Richland County ROD; 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.

Responsible Local Representative means a person having his or her place of residence or business office within 45 miles of the rental unit and designated by the property owner as the agent responsible for operating such property in compliance with the ordinances adopted by the County. For the purposes of this article, the term “agent” shall refer to the Responsible Local Representative.

Tenant means any individual who has the temporary use and occupation of real property owned by another person in subordination to that other person's title and with that other person's consent; for example, a person who rents or leases a dwelling, dwelling unit, or rental unit from a landlord.

Warning means a notice of non-compliance with any ordinance or statute referenced in Section 16-76, with or without an accompanying Order to abate the non-compliance.

Sec. 16-72. Rental permit required.

- (a) No owner, whether a person, firm or corporation, shall operate any dwelling or residential rental unit as defined in section 16-71 unless that owner holds a current rental permit issued by the Richland County Business Service Center for the residential rental unit named therein. Failure to obtain or properly renew such permit shall be a violation of this article.
- (b) Before a rental permit can be granted, the owner or landlord shall certify that the subject property complies with the relevant International Property Maintenance Code for minimum building code standards of residential properties in Richland County.
- (c) Permits are not transferable from any owner to another.
- (d) The permitting year shall be for twelve months following the issuance of the permit.
- (e) Renewals of permits after sixty (60) days of the expiration date will be assessed a late penalty fee of five percent of the unpaid fee per month.
- (f) Failure to renew the permit within 120 days following the expiration of the permit while the property is occupied as a rental unit shall be considered a violation of this article.
- (g) Each individual property requires a separate permit.
- (h) Professional management companies in good standing are exempt from the annual permit fee but not the other requirements of this article.

Sec. 16-73. Application.

Applications for a permit to operate residential rental units and for renewal thereof shall be on a form provided by the Richland County Business Service Center. 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. 16-74. Issuance or refusal of rental permit.

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

- (1) The owner has certified that the subject property complies with the relevant International Property Maintenance Code for minimum building code standards of residential properties in Richland County.; and,
- (2) All permit fees, including any fees for violations, have been paid.

Sec. 16-75. Property owner, responsible local representative, and occupant.

- (a) 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 45 miles of the rental unit, unless a Responsible Local Representative is designated. The Responsible Local Representative may be a Professional

Management Company. The Business Service Center shall, within fourteen (14) days, be notified in writing if there is a change of owner or Responsible Local Representative.

(b) The property owner, the responsible local representative, landlord, and/or tenants shall be liable for Richland County Code violations within dwellings, dwelling units, rental units, or premises under their control or in which they are leasing.

(c) For the purposes of this article and any violations or warnings, the owner or Responsible Local Representative shall be responsible for the maintenance of the common areas of the dwelling and shall respond to service requests and emergency needs, including entry into units where an emergency appears to exist. Such person or persons shall be situated close enough to the dwelling as to be able to service tenant and emergency calls with reasonable dispatch, but in no event farther than 45 miles of the rental unit. The owner shall advise the tenants individually of the names, addresses, and telephone numbers of such owner and/or Responsible Local Representative.

Sec. 16-76. Violations, warnings 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. Violations shall mean rental units where there are citations, warnings, 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) Vector control ordinances (Chapter 8);
- (2) Animal control ordinances (Chapter 5);
- (3) Garbage, trash, and refuse ordinances (Chapter 12)
- (4) Parking Ordinances (Chapter 17);
- (5) Zoning ordinances (Chapter 26)
- (6) Noise; Weeds and Rank Vegetation Ordinances (Chapter 18); or,
- (7) Offenses involving state criminal law which occur in the dwelling or rental unit or on the premises.

(c) Violations and warnings shall apply as points towards revocation of the rental permit for residential rental units as follows:

- (1) Single-household dwellings. Violations or warnings that occur anywhere on the premises shall apply to the permitted dwelling unit.
- (2) Multi-unit structures.
 - a. Violations or non-compliances resulting in warnings that occur within an individual unit shall apply to that unit.
 - b. Violations or non-compliance resulting in a warning occurring outside of the units shall be assigned to the unit responsible as determined by the investigating party for the offense.

c. Violations or non-compliance resulting in a warning committed by the property owner and/or Responsible Local Representative shall be assigned to all units.

(d) In the event a violation or non-compliance resulting in a warning occurs at a unit regulated by this article, such violation shall be grounds for the accumulation of points as follows:

a. First Offense - One point will be assessed for the first occurrence of a violation or non-compliance resulting in a warning.

b. Second Offense - Two points will be assessed for a second occurrence of the same violation or non-compliance resulting in a warning, within 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 violation or non-compliance resulting in a warning within the same permit year.

(1) After points are assessed on a landlord permit for a unit, Business Service Center will send a written notice to the owner or agent. Each notice 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 notice will be sent by regular mail to the address of the owner or agent or responsible local representative, as identified on the permit application, as well as a copy of the warning mailed to the property address of the subject property.

(2) A fee of \$100 will be assessed per point for each point accumulated beyond three (3) points within any renewal year. Such fees shall be due upon renewal. Failure to pay any fees due shall result in a denial of the permit renewal.

(3) 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.

(4) If the non-compliance for which a warning has been issued has been abated with ten (10) calendar days from the date of the warning, then the point shall be removed from the permit as if it had not been assessed; provided, however, that any such warning shall still be considered in calculating how many offenses have occurred during a twelve (12) month period, pursuant to this section.

d. Serious Offense - Five points will be assessed for a Serious Offense, which shall mean any violation which falls under Section 16-76 (b)(7).

Sec.16-77. Revocation of permit.

(a) Accumulation of ten (10) or more points on a permit for a dwelling unit within any twelve (12) month period shall subject the owner to proceedings to revoke the permit.

(b) Upon the accumulation of ten (10) or more points or failure to comply with the requirements of this article, the following procedure shall be followed:

(1) The Business Service Center 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. 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 fifteen (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 Business Service Center 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) Upon request for a hearing, the Business Service Center shall schedule the appeal with the _____ within thirty (30) days.

(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 _____ 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 _____'s recommended order, and to be represented by counsel or other designated 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 _____ finds that the accumulation of ten (10) or more points properly exist, then _____ shall order revocation of the permit.

(7) If the _____ finds evidence that any points have been assigned improperly, the _____ will dismiss the revocation action and recommend which points, if any, should be rescinded from the permit.

(8) The _____'s order shall consist of findings of fact, conclusions of law and recommended relief. The _____ or designee shall transmit the order to the County Administrator and the owner or agent. The owner or agent shall have fifteen (15) days from the date of the hearing officer's order to submit written exceptions to the 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 _____ for consideration of the deficiencies. The _____ shall address the deficiencies in an addendum to the order. The County Administrator shall then either: (a) adopt the order and addendum, if applicable, in its entirety; or (b) adopt the findings of fact and conclusions of law in the 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 five (5) days of the date of the final order.

(10) If the permit is revoked under these procedures, the owner or agent shall have five (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 this article, 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 any 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 County, South Carolina.

Sec. 16-78. Effect of revocation.

Upon the commencement of revocation, no permit shall be granted nor any lease approved and no person, firm or corporation shall operate or rent/lease to another for residential occupancy any dwelling unit or rooming unit during such time that the rental housing permit for such unit is revoked; however any residential tenants under a lease in existence at the time of the commencement of revocation shall have all of the rights afforded to them under applicable state law.

If a permit is revoked pursuant to section 16-77, the property shall not be eligible for a rental housing permit for a period of six (6) months after full vacation of the unit.

Sec. 16-79. Defenses.

When tenants are guilty of offenses resulting in a revocation notice, the property owner may request a suspension of revocation proceedings by providing written evidence of the initiation of eviction proceedings against the culpable tenants. If the tenants are evicted, the property owner may request termination of the revocation proceedings. If revocation has been suspended but the tenants are not evicted, revocation proceedings will be reinstated by the County. A remediation plan, which addresses any future problems with the tenants, will also have the same effect as initiating eviction proceedings.

Sec. 16-80. Operating without a permit a public nuisance.

If a person operates as a landlord without a rental permit as set forth in this section, such shall constitute a public nuisance.

Sec. 16-81. Offenses as misdemeanors.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor offense and shall be subject to the penalties outlined in section 1-8 of the Richland County Code of Ordinances. Each day of violation shall be considered a separate offense for purposes of citation only, and shall not be considered a separate offenses under section 16-76. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for this article.

Sec. 16-83. Denial of permit.

(a) The Business Service Center 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 Business Service Center determines there is reasonable cause to believe that there are grounds to deny a permit applied for, it shall provide notice of the denial, including the grounds for the denial.

(c) Within fifteen (15) days of the date of the notice, the owner may request in writing to the Business Service Center a hearing on the denial. The Business Service Center shall schedule the hearing with the _____ to occur within fifteen (15) days after receiving the request for hearing and shall notify the owner at least five (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 _____ 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 _____ may be appealed by a writ of certiorari to a court of competent jurisdiction in Richland County, South Carolina.

(f) The Business Service Center 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 Business Service Center 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 six (6) months after the date of denial.

Sec. 16-84. Permit fee.

(a) The annual permit fee shall be \$25.00 for each permit, unless exempt from the fee as follows: (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 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 penalty shall be assessed at \$400.00 for each year the unpermitted occupancy has occurred.

(c) All required fees shall be paid before a rental permit is issued, including any past due fees, penalty fees, or fees assessed for work abated by the County (i.e. weeds and rank vegetation).

Sec. 16-85. 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 _____ 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.

Sec. 16-86. Existing rights unaffected.

Nothing contained in this section is intended to affect the rights and responsibilities of property owners or tenants under the law of the United States of America or the State of South Carolina as out lined by the South Carolina Landlord Tenant Act, the Americans with Disabilities Act, the Violence Against Women Act, the Fair Housing Act or any other provision of federal or state law regulating housing.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2020.

Michelle Onley
Interim Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

First Reading:
Second Reading:
Public Hearing:
Third Reading: